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# **Colorado Environmental Performance Partnership Agreement FY2014**

**October 2013**

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**Colorado Department of Public Health & Environment  
U.S. Environmental Protection Agency Region 8**



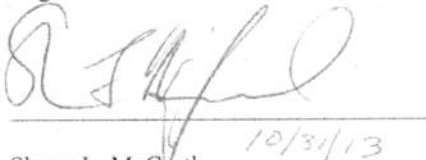
Colorado Department  
of Public Health  
and Environment



## APPROVALS

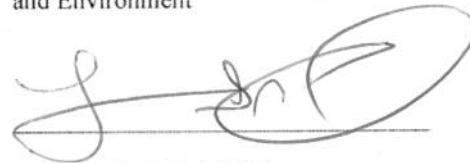
By signing this FY 2014 Colorado Performance Partnership Agreement (CEPPA), the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA) Region 8 jointly agree to continue the National Environmental Performance Partnership System for the next federal fiscal year beginning on October 1, 2013 and continuing through September 30, 2014. The EPA commits funding to the CDPHE in amounts specified herein and as specified in fiscal applications submitted by the CDPHE before September 30, 2013 under the terms of the CDPHE Environmental Performance Partnership Grant. In return, the CDPHE will expend the federal resources to carry out the environmental programs described herein for a one-year period. EPA Region 8 also agrees to carry out its roles and work as defined in the updated agreement and work plans for a one-year period.

U.S. Environmental Protection Agency  
Region 8



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## Chapter 1 INTRODUCTION AND OVERVIEW TO THE ROLES OF EPA AND CDPHE

### 1.1 Background

The Colorado Environmental Performance Partnership Agreement (CEPPA) is an agreement that identifies and explains the key environmental priorities and goals in the State of Colorado, and the working relationship between the Colorado Department of Public Health and Environment (CDPHE) and the U.S. Environmental Protection Agency (EPA). The FY 2014 CEPPA continues the pattern established in the previous agreements, to achieve the goals of the National Environmental Performance Partnership System (NEPPS). The NEPPS provides a framework for delineation of CDPHE and EPA roles in carrying out environmental laws in the state. It allows Colorado to identify key state priorities, allocate federal resources to the highest state priorities and have appropriate flexibility in finding ways to achieve mutually agreed upon goals. The EPA seeks to work jointly with the state to find the most effective ways to achieve national standards and goals while meeting state environmental priorities and recognizing resource limitations.

This CEPPA covers only one federal fiscal year, FY 2014. For financial and programmatic flexibility, Colorado has also requested that the FY2014 PPG be combined with the current FY 2011-2015 PPG. The budget and project period for this five-year grant is October 1, 2010 through September 30, 2015.

### 1.2 Purpose

The Colorado Environmental Performance Partnership Agreement serves several purposes.

- It identifies the roles of and the relationship between EPA and the environmental programs of CDPHE.
- It identifies the major CDPHE management framework to address current environmental problems and avoid future issues in Colorado. The document describes the priority goals, objectives and key initiatives to address the problems, and establishes the environmental indicators and performance measure to evaluate progress.
- It is the document that defines Colorado's set of program commitments for which federal resources are made available to CDPHE to manage environmental programs. It constitutes the full program plan for the CDPHE environmental Performance Partnership Grant (PPG) to CDPHE and will be used to evaluate the success of the PPG.
- The CEPPA seeks to enhance public involvement regarding environmental issues and priorities in the state.

### 1.3 Scope

The CEPPA addresses the environmental programs within CDPHE with emphasis on those that receive funding from EPA. The CEPPA delineates those programs and activities that are grant commitments in Chapters 3 through 6. In addition, this CEPPA describes a number of programs and activities which are either not funded by or not required by federal law to be included in the Agreement. These are included to demonstrate the comprehensive and integrated approach to managing these programs that is in place, and to enhance communications with stakeholders and the public. The fact that programs are described in this document that are neither funded nor mandated by EPA, does not translate into federal control of these programs if it would not otherwise exist.

The current CEPPA specifically describes the work commitments to be completed during the work plan period of FY 2014 (October 1, 2013 through September 30, 2014). The work plans described are based upon the levels of federal funding shown in Table 7.1. Any decrease in available federal funding will necessitate a work plan review, including reprioritization and possible reductions in the number, and/or scope, of work commitments. Significant reductions in allowable federal funding may require prioritization of critical programs and the possible elimination of program elements and corresponding work commitments.

The CEPPA is intended to provide a working framework for the agencies that incorporates existing Memorandums of Agreement, delegations and enforcement agreements, but does not supersede them. CDPHE will maintain the core programs required by federal and state statutes and rules, and reflected in program authorizations and other formal agreements. In addition, the core program requirements also relate to the maintenance of regional and national databases associated with the environmental health programs and the development of Quality Assurance Project Plans for specific program activities like monitoring or remediation. CDPHE will fulfill the data entry, quality assurance and data validation requirements and will perform timely and complete updating of information by state and EPA staff and managers.

To provide a comprehensive description of the environmental efforts throughout the state, the CEPPA also includes EPA efforts to support CDPHE environmental programs and to carry out federal responsibilities. In some instances, EPA works with other state agencies in Colorado to carry out activities. The information provided on these activities with other agencies is only descriptive and should in no way imply a commitment on the part of those agencies or CDPHE. Nonetheless, CDPHE will coordinate with both EPA and other state agencies to address environmental problems. Where appropriate, CDPHE also will work closely with other state agencies, cities and county agencies to implement many of the programs described in this agreement.

## **1.4 Relationship Between EPA and CDPHE**

There is a long-standing relationship between EPA and CDPHE to protect public health and the environment in Colorado. The federal system of government, through a series of environmental statutes, delineates specific roles for federal and state agencies in the development and implementation of programs for protection of public health and the environment. Different statutes require different roles. For example, some programs established by federal legislation may be delegated to state agencies with requisite authority, resources and capability. Other programs cannot be delegated under federal law, like the federal Superfund program. Other environmental programs or initiatives have been developed at the state level independent of federal authorities. In addition, there are other initiatives that both agencies agree result in increased environmental protection in an efficient and cost effective manner. Often, CDPHE and EPA play significant roles in these efforts and work to coordinate their approaches in Colorado.

## **1.5 Environmental Protection Agency Role**

Under most of the programs covered by the CEPPA, the U.S. Congress gave EPA the initial responsibility for development and implementation. Many of these statutes also contain Congressional preference for delegation of the program to the states when states demonstrate capacity to carry them out. The federal resources for program development and management are given to EPA annually by Congress. EPA has developed various mechanisms for implementation of the programs in partnership with the states. Given the evolving nature of this partnership, there will continue to be coordinated planning and priority setting between EPA and Colorado. These joint activities will occur as part of the development of future partnership agreements and on a more long-term, strategic basis.

**FEDERAL-ONLY ACTIVITY** In some cases, implementation of environmental programs is primarily a federal role. Some examples include non-delegated programs, certain Indian Country issues and interstate problems. Even so, many of these activities require support and activity by CDPHE. One example is the Emergency Planning and Community Right-to-Know Act program that is directly implemented by EPA, but relies heavily on state information and data.

**DEVELOPMENT OF NATIONAL PROGRAM STRUCTURE AND STANDARDS** EPA is responsible, through its statutory management and rule-making authority, for determining the federal management structure for the program and minimum national standards. For many environmental programs, national standards have been set for the country. EPA must ensure that the efforts of all states are used to achieve baseline environmental quality throughout the country and require that states adhere to a minimum set of national environmental standards. In addition, EPA facilitates resolution of interstate issues. Federal activity is geared to monitor consistency, national trends and federal initiatives when standards are not met.

**RESEARCH AND DEVELOPMENT** Often, the standards and guidance, which are developed by EPA, are the result of research and development, which it has undertaken and/or funded. Development and testing of innovative technologies and similar initiatives are valuable components of many environmental programs.

**TECHNICAL ASSISTANCE** EPA often provides technical assistance that may not be available to a particular state program. For example, EPA assists in building state capability to implement federal environmental programs by providing clear statements of policy and guidance, and delivering assistance and training on new regulations and national priorities. Additionally, EPA will assist CDPHE when requested, by providing technical information from other states, reviewing proposed engineering treatment processes, researching data, conducting risk assessments and facilitating peer review and peer matching. For EPA activities that will not require a major commitment of federal resources, EPA personnel will be available on an ongoing basis. For activities that will require a major commitment of EPA resources, that role will be described in the program-specific tables and work plans in the later chapters of this CEPPA.

**WORKSHARING** EPA will work to identify opportunities for enhanced worksharing and resource and workload flexibility in instances where budget reductions may negatively impact state programs.

**ENFORCEMENT, COMPLIANCE AND ENVIRONMENTAL JUSTICE** EPA performs essential enforcement and compliance assurance functions in order to ensure the protection of public health and the environment, and to assure that

polluters do not gain a competitive advantage over those regulated entities that comply with federal environmental regulations.

The core EPA functions include: setting national priorities, monitoring compliance on a national basis, assuring national consistency in the implementation and enforcement of federal environmental requirements, taking enforcement actions against regulated entities with significant noncompliance at facilities in several states or against sources where releases to the environment threaten the health or environment of another state or country, or where states do not address particular violations, EPA offers incentives for violators to come into and remain in compliance, conducting compliance assistance for high-priority sectors and federally-implemented program and evaluating state performance.

For national programs that are not delegated to the state and for new regulations and policies, EPA will perform compliance assurance activities such as the development of compliance assistance materials and services tailored to promote compliance within high priority sectors. It will address compliance problems in federally implemented programs, and publicize and explain new regulatory requirements. In delegated programs, such materials and services should be delivered by the state.

EPA will promote environmental compliance and pollution prevention in the federal sector through enforcement, technical and compliance assistance activities. Careful administration of compliance assistance, pollution prevention, and enforcement will be directed toward the overall goal of achieving increased compliance and reducing risk in all priority areas. EPA and CDPHE agree to follow the State Review Framework elements one through thirteen in reviewing and assessing state compliance activities and programs. The review will be done once every three years beginning in FY 2007 for programs determined to be adequate. The most current review occurred in FY 2010 and was completed in 2012. The FY2013 SRF review process is underway.

**RESOURCES** In addition to the programmatic and technical assistance provided, many of the programs covered by this CEPPA are partially funded by federal grants administered by EPA. EPA is accountable to Congress for the expenditure of these resources consistent with federal law and grant agreements.

**SPECIAL PROJECTS/INITIATIVES** The President, the Administrator of the EPA, or the Regional Administrator may identify particular initiatives or projects, which are a high priority. EPA works with state agencies and others to implement projects or initiatives that the state is interested in pursuing.

**CROSS-CUTTING INITIATIVES** The EPA Region 8 office will be working with EPA Headquarters, the state and local communities in several cross-cutting areas. EPA has identified a number of cross-cutting areas within its strategic themes. These themes include energy, agriculture, revitalization, mercury and ensuring adequate investment in state capacity. Other cross-cutting areas include ecosystem protection, pollution prevention, reinventing environmental management, environmental management systems, environmental justice, environmental accountability, partnerships and strong science and data. Cross-cutting activities found within these themes include community-based environmental protection, industrial sector compliance activities, integrated environmental data systems and funding to achieve equitable environmental results.

**VERIFICATION OF STATE PERFORMANCE (OVERSIGHT)** EPA works jointly with the state to set forth the procedures for reviewing state and EPA accomplishments and issues annually and at the end of the PPA cycle, grant reporting requirements and other assessments. Through the assessment process, EPA works with the state to evaluate accomplishments, discuss progress, make adjustments to meet commitments in the current PPA and plan for future efforts. EPA is ultimately responsible for ensuring that grant requirements, including program commitments, have been met.

In cases where EPA delegates implementation authority for environmental programs to a state, it must also ensure that the state meets the requirements of the delegation. This distinct oversight role is necessary for EPA to carry out its unique federal responsibilities as reflected in the items above. EPA will review CDPHE performance and evaluate it against national environmental statutes, regulations and pertinent fiscal/grant requirements (see Chapters 7 and 8: Fiscal and Oversight Chapters).

In instances of effective state performance, the EPA oversight role lessens. In instances of less than satisfactory performance, the EPA oversight role increases. In both scenarios, EPA must ensure compliance with environmental laws and determine its level of activity accordingly.

## **1.6 CDPHE Role in the CEPPA**

For the majority of programs covered by this CEPPA, CDPHE is the primary implementing agency. Some of the roles described above have parallels at the local level.

**DEVELOPMENT OF STATE PROGRAM STRUCTURE AND STANDARDS** Colorado is responsible through its statutory and regulatory authority to determine the state management structure for the program. In addition, the state adopts its standards through the Colorado Administrative Procedures Act and requirements of implementing statutes. This is done

through the various state commissions or boards: the Air Quality Control Commission, Water Quality Control Commission, Solid and Hazardous Waste Commission, and Colorado Board of Health. CDPHE also received advice on sustainability, pollution prevention and leadership from the Governor-appointed Pollution Prevention Advisory Board.

RESEARCH AND DEVELOPMENT The state also may participate in research and development efforts relevant to its environmental programs.

PROGRAMMATIC AND TECHNICAL ASSISTANCE Due to the maturity of many of the programs described in this CEPPA, the state sometimes provides programmatic and technical assistance to EPA. This is often done through agreements under which the state undertakes lead responsibility for particular projects or activities for which EPA is primarily responsible.

RESOURCES CDPHE commits state financial resources to nearly all of the programs and activities described in this CEPPA.

SPECIAL PROJECTS/INITIATIVES CDPHE may also undertake particular projects or initiatives that are a high priority for the state. CDPHE works with EPA and others to implement those projects or initiatives.

DIRECT IMPLEMENTATION For most of the programs and activities described in this CEPPA, CDPHE directly implements the program or activity. CDPHE will undertake the work when a program is not authorized by federal law. As CDPHE and EPA develop their priorities, CDPHE may identify priority work that EPA cannot or will not undertake. CDPHE may then choose to do this work. Local health departments also directly implement a number of programs and activities and some reference is made to these in this CEPPA.

COMPLIANCE ASSURANCE AND ENFORCEMENT The State of Colorado has sufficient authority under state statute to perform essential compliance assurance and enforcement functions in order to ensure the protection of public health and the environment and to assure that polluters do not gain a competitive advantage over those entities that must meet state regulatory requirements.

## **1.7 Description of Environmental Programs**

Each of the environmental divisions of CDPHE has described their organization in detail and defines new organizational relations for the environmental programs listed. A listing of these programs is included here to emphasize the breadth of the efforts that are part of the CEPPA. Of the programs listed many are funded, in whole or in part, through the grant provided under this CEPPA. The environmental programs administered by each of the CDPHE environmental divisions are shown in the following table.



## Colorado Department of Public Health and Environment Office of Environmental Programs

<b>Hazardous Materials and Waste Management Division</b>	<b>Air Pollution Control Division</b>	<b>Division of Environmental Health and Sustainability</b>	<b>Water Quality Control Division</b>
Solid and Hazardous Waste Program  Radon Program	Policy and Planning Program  Mobile Sources Program  Stationary Sources Program  Indoor Environments Program  Technical Services Program  Administrative Program	Pollution Prevention Program  Environmental Leadership Program  Environmental Justice  Greening Government  Self-Audit Law Program  TRI/SARA Programs  Environmental Agriculture Program  Small Business Ombudsman  Recycling Grants Program  Pharmaceuticals in the Environment and other Emerging Contaminants  Supplemental Environmental Projects  High school chemistry labs	<b>Clean Water Program</b>  Compliance and Enforcement Units  Permits Section  Watershed Section  <b>Safe Drinking Water Program</b>  <b>Local Assistance Unit</b>  Compliance Assurance Section  Engineering Section  Field Services Section  <b>Operations Program</b>  Grants and Loans Unit  Business Data Services Unit  Fiscal Services and Support Unit

### Cross Media Programs or Activities

<b>Cross Media Enforcement</b>	<b>Cross Media Compliance Assistance</b>	<b>Cross Media Permitting</b>	<b>Cross Media Regulatory</b>
Policy development  Supplemental environmental projects  Cross media inspections  Municipal Policy  Small business referral program  Cross media impacts  Self-Audit Program:	Sector-based cross media assistance  Provide coordination, communication and training  Workshop coordination  Resource Conservation Challenge  Stormwater Excellence Program	Environmental Management System  Pollution prevention in permitting  Electronic permitting  Permitting by rule  General permits	Environmental Management System Permit regulation  Housed commercial swine feeding operations  Pollution prevention in regulations  High school chemistry labs

Environmental Results Program			
Inspector training			
<b>Environmental Problem Solving</b>	<b>Internal Environmental Management System</b>	<b>Indicators and Outcomes</b>	<b>Strategic Planning / PPA</b>
Mercury Program	Policy development	Development	Region 8 Strategic Planning Effort
Pharmaceuticals in the Environment	Aspects / impacts	Implementation	State Review Framework
	Project completion	Measurement	
	Measurement	Analysis / reassessment	
	Education / awareness	Review / modify	

This chapter describes the overarching strategic direction, goals, objectives and priorities of CDPHE for FY 2014; the parameters CDPHE and EPA will use to develop, implement and evaluate innovative programs and projects; and the FY 2014 goals and objectives for programs under the direct supervision of the Environmental Division Director.

## **2.1 CDPHE Strategic Plan 2011 - 2016**

To be successful in its work, the department must be poised to anticipate, respond to and oversee new and existing environmental challenges, such as expanding energy development, ozone, climate change, stresses on clean water, drinking water compliance, legacy mining, milling and industrial operations and public health and environmental emergencies. In 2011, to help meet the numerous challenges to protecting the health of the state's environment and its people, the department adopted the CDPHE Strategic Plan 2011–2016 (Plan). The Plan was prepared in compliance with HB10–1119 (SMART Act), which increases legislative oversight and seeks to tie actual departmental performance to the state budget development process.

The Plan maps the department's strategy for the next five years and describes what it must do to carry out its mission to and achieve its vision. The Plan includes the following major elements:

### **2.1.1 Mission Statement**

The mission of the Colorado Department of Public Health and Environment is to protect and improve the health of Colorado's people and the quality of its environment.

### **2.1.2 Vision Statement**

Colorado will be the healthiest state with the highest quality environment.

### **2.1.3 Strategic Map**

The Strategic Map summarizes the department's strategy for the next five years. It contains the following main elements:

#### **2.1.3.1 Central Challenge**

The department's central challenge is to align priorities and resources to improve and sustain public health and environmental quality. This challenge serves as the focal point for the department's strategies and guides what the organization needs to do to support its mission.

#### **2.1.3.2 Strategic Priorities**

The Strategic Map lists five strategic priorities, or performance-based goals, critical for meeting the central challenge. These include:

- Achieve Targeted Improvements in Colorado's Winnable Battles
- Promote Programmatic Excellence
- Strengthen the Integrated Public and Environmental Health System
- Foster a Competent, Empowered Workforce
- Create a More Efficient, Effective, Customer-Oriented Department

#### **2.1.3.3 Cross-Cutting Strategic Priorities**

The Strategic Map lists three cross-cutting strategic priorities, considered to be foundational to meeting the central challenge, and the implementation of which must be imbedded in all other strategic priorities. These include:

- Promote Health Equity and Environmental Justice
- Use Performance-Based Measures and Evaluation to Continuously Improve Effectiveness and Prioritize Resources
- Strengthen Internal and External Communication

#### **2.1.3.4 Strategic Objectives**

Strategic objectives have been identified for each strategic priority. These represent the areas of focus necessary to make progress toward success in achieving their corresponding strategic priorities. In the coming year, the department will emphasize the following four strategic objectives:

- Develop and Implement Strategies to Achieve Winnable Battles
- Value and Share Innovation
- Keep Up With the Speed of Business
- Implement the Public Health Improvement Plan
- Attain, Retain and Recognize Talented and Diverse Employees
- Align Employee Roles and Accountability with Department Priorities
- Develop a Leadership Succession Plan
- Deliver Excellent Customer Service
- Employ LEAN Methodologies to Improve Business Processes

## **2.2 Winnable Battles**

To keep pace with emerging public health challenges, to address the leading causes of death and disability, and to improve, protect and preserve Colorado's environment and natural resources, the department initiated an effort to achieve measurable impact quickly in a few areas.

Colorado's 10 Winnable Battles are public health and environmental priorities with large-scale impact on health and the environment, and with known, effective strategies to address them.

For maximum effectiveness and efficiency, Colorado's 10 Winnable Battles were chosen with consideration of national and local goals including the CDC's Winnable Battles, the Seven Priorities of EPA's Future and local public health and environmental priorities.

Colorado's 10 Winnable Battles are:

- Clean Air
- Clean Water
- Infectious Disease Prevention
- Injury Prevention
- Mental Health and Substance Abuse
- Obesity
- Oral Health
- Safe Food
- Tobacco
- Unintended Pregnancy

## **2.3 Priorities**

CDPHE will focus on the following areas in FY 2014:

### **2.3.1 Environmental Justice**

CDPHE is committed to embedding environmental justice throughout its programs. In furtherance of this commitment, CDPHE established the Health Equity and Environmental Justice Collaborative, a group of 12 members representing each division within CDPHE, which is tasked with coordinating health equity and environmental goals and objectives for CDPHE.

The Collaborative developed a mission and vision statement, and created a work plan that will address environmental justice policy development, data, meaningful community involvement, professional/workforce development and training, and resource alignment across the department. Work groups have been established for each of the six core elements of the work plan, and activities have begun associated with each element.

### **2.3.2 Compliance Assurance and Enforcement**

CDPHE's compliance assurance and enforcement program is responsible for statewide environmental enforcement of environmental laws and includes compliance assistance and education for sources. CDPHE and EPA Region 8 believe that a compliance assurance program, which respects state primacy in delegated programs and incorporates strong enforcement components, is crucial for successful environmental protection. CDPHE will continue to promote a strong, integrated and strategic compliance assurance program.

The function of compliance assurance and enforcement is located throughout various programs within the air, water, waste and environmental health and sustainability divisions. Compliance assurance activities include: environmental education; civil enforcement investigations and actions; investigation of environmental crimes (i.e., abandoned drums and waste tires and illegal dredge and fill activities); responding to environmental disasters; hazardous material incidents; and spills that threaten the environment. Integral to this program is CDPHE's commitment to educate sources and residents on environmental laws as well as to take enforcement actions as appropriate.

The key elements of CDPHE's compliance and enforcement monitoring program include:

- Inspection and compliance monitoring programs at the state and federal levels that adequately identify significant noncompliance.
- Maintaining a sufficient, qualified inspector field presence to effectively encourage regulated entities to comply with environmental laws and regulations.
- Adequate investment in compliance assistance initiatives.
- CDPHE and EPA Region 8 are committed to maintaining and improving the capacity to adequately monitor compliance with environmental requirements. The authority and capacity to respond to noncompliance are crucial elements of a strong enforcement program.

The shared commitment of CDPHE and EPA Region 8 specific to compliance assurance and enforcement include:

- Coordination in inspections of priority areas and sectors.
- Timely determination whether the source represents a significant risk to human health and the environment.
- Coordination in providing outreach, assistance and the dissemination of information to individuals, communities, businesses, governmental agencies and educational institutions for priority areas and sectors.
- Timely and appropriate enforcement.
- Assessment of penalties that collect economic benefits and the necessary gravity component in order to deter future noncompliance.
- Consideration of cross-media impacts in all areas of compliance assurance.
- Improving measures of success that focus on environmental outcomes and seeking new measures of environmental improvement from compliance assurance efforts.
- Mutual respect of each agency's enforcement roles.
- Identification of sources that require less oversight.
- The need to focus on statutorily regulated sources that have not obtained required permits or submitted required notifications.
- Encouraging the inclusion of supplemental environmental projects in settlement agreements where appropriate.
- Changing behavior and motivating the regulated community to prevent pollution.

To be effective, CDPHE and EPA Region 8 agree that compliance and enforcement programs must be based upon requirements that are enforceable and include the following: continuous education of staff and sources (i.e., outreach efforts); ongoing monitoring and

inspections to measure compliance; identification of violations in a comprehensive, consistent and timely manner; consistent responses to violations through compliance assurance and enforcement actions that require appropriate changes to achieve compliance, prevent and deter future noncompliance, promote going beyond compliance and compel remediation of any harm caused by noncompliance; clear articulation of local, state, and federal roles and responsibilities; commitment of adequate staff resources, guidance and training to compliance and enforcement; and a process to evaluate program results.

In FY 2014, for the Clean Water Act Program, the Water Quality Control Division and EPA Region 8 will continue to work together to implement the EPA Administrator's Clean Water Action Plan that lays out three priorities:

- Target compliance assurance resources to the most important water pollution problem
- Strengthen oversight of the states
- Improve transparency and accountability

This effort continues and principally involves the Water Quality Control Division and EPA Region 8 identifying priorities for deploying respective resources and agreement on work sharing to achieve the greatest level of water quality protection/improvement. This approach will ultimately redefine the framework for prioritizing compliance and permitting actions and will require more significant change to the EPA/state approach to permitting and compliance assurance.

### **2.3.3 Community-Based Environmental Protection**

CDPHE and EPA Region 8 offices will be working to encourage community-based programs along with effective partnerships in several areas throughout Colorado. The community-based environmental protection concept promotes a "place-driven approach" rather than a "program-driven approach".

In addition, CDPHE will continue its commitment to community preservation. The divisions of the Office of Environmental Programs will provide a comprehensive array of resources for communities to access and utilize. Such examples as Brownfields, grants to communities for water treatment facilities, pollution prevention grants, supplement environmental projects and air program grants will assist communities in meeting capacity, infrastructure and data needs. As CDPHE data capabilities expand, CDPHE will assist communities to better understand and respond to community problems and to assist in helping communities define their vision of a sustainable quality of life.

### **2.3.4 Other Priorities**

CDPHE and EPA agree to the following priorities:

- Mitigating environmental impacts from energy development
- Improving air quality including attainment of national ozone standards
- Compliance with national drinking water standards

## **2.4 Strategic Investments and Innovations**

This section sets forth the parameters both agencies agree to when developing, implementing and evaluating innovative programs and projects in Colorado.

### **2.4.1 Investing in Innovation**

CDPHE and EPA Region 8 recognize the need for resource investments to develop new strategies and new ways of doing business in order to meet emerging environmental protection challenges. In light of impending reductions in federal and state funding, new strategies and new ways of doing business are needed to sustain and improve critical core program work as well as to address emerging challenges.

### **2.4.2 Creating a Work Environment to Support Innovation and Non-Traditional Program Implementation**

CDPHE and EPA Region 8 management will proactively support the following key practices to create and sustain an innovative work environment:

- Encourage environmental problem solving and collaborative efforts to achieve environmental results;
- Encourage creative thinking that achieves program goals in non-traditional ways.
- With management approval, reward experimentation that is intended to improve our programs and human health and the environment;
- Communicate to agency staff and external stakeholders the opportunities and challenges of the agencies' innovation and non-traditional projects;
- Communicate between CDPHE and Region 8 to identify and collaboratively address issues early in the process;
- Allow sufficient time for innovations and non-traditional projects to evolve and to be appropriately evaluated;
- Place innovative programs and non-traditional projects on equal par with established traditional core programs; and
- Ensure that the innovations and non-traditional projects are measured appropriately and fairly.

### **2.4.3 Mainstreaming Innovation into Agency Processes**

CDPHE and EPA Region 8 are committed to fully integrating innovation and non-traditional projects into the planning, resource allocation and evaluation processes of each agency and expressly as part of the agencies' CEPPA. With respect to the planning process, the agencies agree to take specific actions to foster innovations and non-traditional projects, including:

- Actively seek potential innovation and non-traditional projects and identify them as part of the ordinary program planning and CEPPA planning activities of CDPHE and EPA and agree upon resource allocations for these projects,
- Hold periodic meetings with staff to promote "bottom up" innovation, non-traditional projects, and capacity building ideas, and
- Expressly incorporate planned innovation, non-traditional projects, and capacity building projects into the agencies' annual plans, the CEPPA and related implementation plans.

### **2.4.4 Strategic Resource Investments and Divestments to Support Innovation**

CDPHE and EPA agree that innovations and non-traditional projects require strategic resource investments and divestments. While maintaining support needed to fulfill core program functions, CDPHE and EPA will strive to devote the necessary resources, if available, to fund and evaluate the innovations and non-traditional projects presented here.

### **2.4.5 Measuring Innovative Work**

CDPHE and EPA are committed to measuring, evaluating, and learning from all innovation and non-traditional projects. To accomplish this, the agencies agree to the following:

- Each identified innovation and non-traditional project will include a measurement and evaluation component;
- The agencies will strive to include environmental outcome measures whenever possible, but also may employ activity counts and other performance measures as appropriate; and

The agencies may support projects that require longer-term measures or the creation of new types of measurement approaches if easily attainable short-term measures are not readily available.

## **2.5 Environmental Information Management**

CDPHE is committed to creating an information management environment that addresses and illuminates cross-media and program relationships, serves immediate and program-specific data needs and effectively protects public health and the environment in Colorado.

This initiative is led by the Environmental Information Manager who oversees all cross-divisional information system development for the environmental divisions. Currently, there are two major cross-divisional information system initiatives which are defined below:

### **2.5.1 Customer Interface Modernization Project for a Lean Environment (CIMPLE)**

CDPHE has identified the need to become more efficient with our interactions with the regulated communities and more transparent for the general public. To meet this need, CDPHE has developed this strategic goal:

CDPHE's Environmental Programs will build and operate a customer-focused, integrated & interactive electronic information system by 2018.

To move toward completing this goal, four major areas of work have been identified for this year. These are listed below:

- **The Environmental Site Profiler**

This part of the CIMPLE initiative incorporates a project that was already underway. This system allows for the integration and reporting of facility and compliance information from across the divisions to both internal staff and the general public. The first phase of this project will include Facility information from the Solid and Hazardous Waste, Drinking Water, Clean Water, Air Stationary Sources and Toxic Release Inventory Programs and Compliance, Monitoring and Enforcement information for the Solid Waste, Drinking Water and Stationary Sources Program. The internal component of the system is in production now with the public component in place by December 31<sup>st</sup>, 2013 with the public component available once the data has been validated. As part of this project, the department will be implementing the Facility 3.0 data exchanges. This system will need to be continually improved as the CIMPLE initiative expands.

- **Integrated Environmental Programs Records Management System**

CDPHE is currently implementing a system for management of its numerous physical and electronic records in Hazardous Materials, Air Quality and Water Quality. When fully implemented, this system will allow for quicker and more effective access to the divisions' records for both internal staff and the general public. An external facing records portal should be available by December 31<sup>st</sup>, 2013 but will need to be continually improved as the CIMPLE initiative expands.

- **Electronic Data Submission Portal**

The core component of this initiative is a Cross Media Electronic Reporting Rule compliant system that will allow the regulated communities to interact with CDPHE electronically. The majority of this year will be spent developing system requirements, interacting with the regulated communities to identify their preferences, using Lean tools to improve our current processes, and obtaining funding.

- **Internal Program System Improvements**

CDPHE is also in the continued process of improving the different programmatic systems. This is necessary to support the new methods of doing business that will be developed as part of the CIMPLE initiative.

### **2.5.2 National Environmental Information Exchange Network**

CDPHE has had an operational Exchange Network Node since 2005. The list below gives the status of each of the priority data exchanges:

Phase I Exchange Network system exchanges

- WQX- The department is currently in the process of implementing this exchange and expects to have it in production by December 31<sup>st</sup>, 2013.
- SDWIS- The department was using the Exchange Network to transfer this information until technical issues forced submission via the older method. Given the changes that are occurring with SDWIS and the CDXweb there are no plans for reinstituting this exchange.
- UIC- The department is not delegated UIC authority and therefore has no plans to implement this exchange.
- Beach Notification - The department is not delegated Beach Notification authority and therefore has no plans to implement this exchange.
- NPDES-



- ICIS-NPDES- The department does currently direct entry into the ICIS-NPDES system and therefore does not flow this information via the Exchange Network. A project is underway to transfer this information and the new process should be in place by December 31<sup>st</sup>, 2014. Electronic DMR reporting- The department is in the process of implementing netDMR through EPA. Therefore, there is no need to use the Exchange Network to submit the DMR data to ICIS-NPDES.
- AQS- The department is in the process of moving to the AQS data exchange once Exchange Network grant funds become available. Therefore, the AQS data exchange should be in production by December 31<sup>st</sup>, 2013.
- EIS- The department is currently submitting data via the Exchange Network for this flow.
- RCRAInfo- The department primarily does direct entry into the RCRAInfo data system for all modules except Compliance Monitoring and Enforcement (CME). A project is underway to transfer this information and the new process should be in place by December 31<sup>st</sup>, 2014. CDPHE is extremely interested in the outbound services from RCRAInfo and is evaluating this as a method to support the internal systems
- FRS- CDPHE has been exchanging FRS data since 2005. As part of the Environmental Site Profiler Project described above, the department will be implementing Facility 3.0 services.
- TRI- The department is currently receiving the TRI data via the Exchange Network.

## **2.6 Energy Development – Oil and Gas Consultation**

CDPHE obtained responsibility to consult with the Colorado Oil and Gas Conservation Commission (COGCC) on public health, welfare, safety and environment during the 2008 rulemaking hearings. The consultation responsibilities are triggered by: 1) requests for variances to environmental rules for oil and gas development; 2) requests for an increase to well density; or 3) local government requests for consultation.

In fulfilling this role, the Oil and Gas Liaison coordinates the environmental reviews conducted by CDPHE's Water Quality Control, Air Pollution Control and Hazardous Materials and Waste Management Divisions for drilling permits meeting one of the three triggers listed above. CDPHE recommendations are submitted to the COGCC for consideration in the review of applications for drilling permits or well density requests.

The Oil and Gas Liaison also coordinates CDPHE's input on potential oil shale development in Colorado, coordinates CDPHE's review of BLM oil and gas development plans and conducts oil and gas outreach meetings to inform the local officials and general public how oil and gas is regulated in Colorado.

### 3.1 Overview

Colorado is and will be facing many challenges as the state continues to grow economically. As the population increases, the state will be challenged to sustain the quality of life, environment and ecosystems which are some of the main reasons people want to live and work in Colorado. CDPHE continues to strive towards creating a sustainable Colorado through its programs, partnerships and activities. In addition, CDPHE is working to enhance its ability to collect and report information to the public on how the department activities are resulting in direct benefits to the quality of life, environment and ecosystems in Colorado. Succeeding in creating a sustainable Colorado will require CDPHE to develop and implement new and more effective tools and approaches.

The Division of Environmental Health and Sustainability is comprised of four work units, including the: 1) Direct Programs Implementation Unit; 2) Delegated Programs Unit; 3) Environmental Agriculture Program Unit; and, 4) Sustainability Program Unit. Each unit is dedicated to the goal of improving, protecting and preserving Colorado's quality of life, environment and ecosystems and has a unit manager and at least one workgroup leader under the charge of the unit manager to oversee day-to-day programmatic functions and to keep on-task with the strategic goals and objectives of the department.

The Division is responsible for a diverse array of environmental health responsibilities, many of which are not subject to oversight by EPA. Examples of the Division's work outside the purview of EPA include: monitoring food, milk, drugs and medical devices; regulating food preparation environments such as restaurants, food manufacturers and processing plants; ensuring safe and sanitary conditions at day care centers and correctional facilities; regulating, reviewing and investigating foods; consumer products and household substances; coordinating consumer protection activities with local, state and federal agencies; and assisting consumers with complaints. Functions within the Division that are included in the PPA are activities administered by the Division's Environmental Agriculture Program and the Sustainability Program, including the Small Business Ombudsman, Environmental Justice Liaison, and the School Chemical Hazards Inspection programs.

### 3.2 Structure

The principal functions of the Division of Environmental Health and Sustainability fall into the following categories:

<b>Direct Implementation Unit*</b>	<b>Delegated Programs Unit*</b>	<b>Sustainability Unit</b>	<b>Environmental Agriculture Program Unit</b>
Wholesale Food & Recalled Product Coordination	Retail Survey, Standardization, Food Defense & Training Coordination	Pollution Prevention Program, including the Pollution Prevention Advisory Board	Animal Feeding Operation (AFO, CAFO and HCSFO) Programs
Dairy Plant/Farms Coordination	Direct Service Compliance and Local Partners Coordination	Greening Government	Cross-Cutting Agriculture Sector Programs
Penal Institutions, Tanning & Body Art	School Chemical Hazards	Environmental Leadership Program	
		Supplemental Environmental Projects	
		Small Business Ombudsman	

		Emerging Environmental Issues, including Cross-Media Sector Initiatives	
		SARA Programs	
		Self Audit Law	
		EMS Permit Program	
		Grant Programs, including Recycling Programs and Pollution Prevention	
		Environmental Justice Liaison	

\* The units do not administer programs under the purview of EPA authority.

### **3.3 Program Area Objectives and Goals**

#### **3.3.1 Sustainability Program**

The Sustainability Program strives to assure that environmental protection efforts will achieve a sustainable future for Colorado's natural environment and its people. The program is committed to examining the actual and potential environmental impacts associated with state government's activities and services in order to continually improve environmental performance. The Sustainability Program does this by focusing on areas where the biggest impacts can be made within state government such as efforts on water conservation, energy and paper use, state fleet and solid waste.

In order to carry out the goals and objectives of CDPHE, the program utilizes a number of partnerships to promote sustainability and to protect, preserve and enhance environmental protection and public health. Through these partnerships, the program leverages resources in ways that help to strengthen the effectiveness of CDPHE efforts by building a foundation of grassroots support, and empowering individuals, organizations and communities to participate actively in environmental decision making and problem-solving.

##### **3.3.1.1 Supplemental Environmental Projects**

The Division's Sustainability Program serves a coordinating role regarding CDPHE's oversight of Supplemental Environmental Projects (SEPs). SEP agreements are negotiated during enforcement settlements and result in beneficial environmental or public health projects that a violator is not otherwise legally required to perform. SEPs are approved at CDPHE's discretion, but at a minimum, projects must go beyond mere compliance with applicable laws and regulations. All settlements include appropriate monetary penalties related to the environmental damage and financial gain the violator has received as a result of the violation.

To help guide the SEP process, the environmental divisions developed a SEP policy. The policy prohibits, for example, the use of a SEP to help meet actions required by any federal, state, or local law, regulation, administrative or court order or permit. Further, SEPs cannot include actions that the violator may be required to perform as injunctive relief, as part of a settlement or order in another legal action, or by state or local requirements.

For municipalities, a separate penalty policy was developed. CDPHE recognizes that municipalities are in a unique position relative to any other regulated entity regarding the payment of cash penalties. If a municipality has the ability to pay the penalty, CDPHE will provide it the opportunity to offset the entire penalty (civil and economic benefit) with a supplemental environmental project, if the entity can agree to and/or demonstrate the criteria set forth in CDPHE's municipal SEP policy. If a county or municipality does not satisfy all of the conditions for mitigation, CDPHE will not settle the entire penalty through a SEP, but may mitigate the penalty consistent with the degree to which the conditions are satisfied, and with the factors set forth in each division's penalty policy.

### 3.3.1.2 Emerging Environmental Issues

The Environmental Integration Coordinator addresses emerging environmental and health issues such as mercury pollution, pharmaceuticals in the environment and other emerging contaminants or pollutants that have not been effectively addressed by traditional regulatory programs. In addition, this position addresses the cross-cutting issues associated with the potential environmental influences of disease transmission, asthma, radon, asbestos, and other environmental triggers that cause health-related impacts. Included in this role are duties related to analyzing the relevance and importance of environmental and public health impacts caused by unregulated pollutants and/or emerging contaminants to determine and implement critical policy and program direction for CDPHE.

### 3.3.1.3 Cross-Media and Sector Initiatives

CDPHE is committed to efficiently targeting its resources to address environmental problems within the state. The Division helps to coordinate a forum for communication, resource sharing and innovative problem solving among the various health and environmental disciplines at CDPHE. The focus of this effort is to encourage environmental staff to work together, and with the regulated community, to utilize innovative, cross-media strategies to identify, address and resolve environmental problems. This approach enhances CDPHE's ability to deliver cost-effective environmental services.

The Cross-Media Innovation and Strategy Team (CMIST) facilitates communication between divisions and programs to identify opportunities for implementation of cross-media strategies. Effective cross-media strategies can reduce duplications of effort across divisions and streamline compliance assistance activities among regulated sectors. Some of CDPHE's current or anticipated cross-media projects include: the Colorado Medication Take-Back Pilot Project; development of updated medical waste regulations; and implementation of greenhouse gas regulations.

Another cross-media initiative being used by CDPHE environmental programs is the Environmental Results Program (ERP). ERP drives improvements in the environmental performance of regulated groups by linking compliance assistance with compliance self-certification and measuring results in a statistically valid manner.

ERP applies three innovative tools to enhance and measure environmental performance. These tools supplement CDPHE traditional compliance assurance efforts:

- An annual self-certification of compliance by companies to increase self-evaluation and accountability;
- Compliance assistance from the agency through outreach and materials; and
- A new performance measurement methodology to track results, determine priorities and strategically target inspections and compliance assistance efforts.

CDPHE continues to utilize ERP as a self-certification program in various environmental programs and sectors. EPA and CDPHE agree that the self-audits conducted under CDPHE Environmental Results Program projects may be used to offset inspection commitments on a case-by-case basis and pending EPA Region 8 review and concurrence with each specific ERP proposal (e.g. applicable facility type, audit scope, etc.).

In addition to ERP, CDPHE's cross-media compliance assistance projects can also result in cross-media inspections. Upon EPA Region 8 review and concurrence with each specific cross-media inspection proposal (e.g. applicable facility type, inspection scope, inspector qualifications), CDPHE and EPA Region 8 agree that multiple inspections (i.e., air, waste and/or water) were conducted for each cross media inspection and are valid inspections for purposes of reporting inspections to EPA.

Another cross-divisional team within CDPHE is the Cross-Media Enforcement Team. This team works to streamline and better integrate enforcement policies, approaches and guidance. The increased collaboration of environmental staff provides CDPHE with a more consistent and effective compliance and enforcement presence. The responsibilities of the Cross-Media Enforcement Team include:

- Ensuring that cross-media and other department-wide concerns are considered and addressed in the negotiation of settlement agreements.
- Developing and coordinating a cross-media, whole-facility approach to compliance assurance and enforcement.
- Assisting in developing business sector initiatives and expertise within the department (e.g., energy, agriculture, metal finishing sectors).
- Developing coordinated compliance assurance and enforcement strategies, guidance and internal and external training.
- Developing proposals for innovative regulatory and compliance assurance approaches that target CDPHE's enforcement resources on actions that yield the greatest protection and optimize environmental protection, while increasing flexibility

and accountability to the regulated community.

#### **3.3.1.4 SARA Title III (EPCRA) Programs**

The SARA Title III programs provide for the collection and tracking of information regarding the use, storage, production and release of hazardous chemicals using the annual Tier II Hazardous Chemical Inventory report and the annual Toxic Release Inventory report.

#### **3.3.1.5 Greening Government**

In April 2007, Colorado's Governor Bill Ritter, Jr., signed the Greening of State Government Executive Orders D011 07 and D012 07. In April of 2010 he signed an additional Greening Government Executive Order D006 10 that incorporated additional requirements for state agencies. These orders charge state departments, agencies and offices to take a position of leadership in reducing state government's environmental footprint. The Greening Government Executive Orders set goals for all Colorado state government to reduce energy consumption, increase the use of renewable energy sources, increase the fuel efficiency of the state vehicle fleet, implement environmental purchasing standards and reduce waste and increase recycling. The Division directs and oversees progress towards CPDHE's Greening Government goals as well as assists other state agencies in meeting the goals spelled out in the executive orders.

#### **3.3.1.6 Environmental Leadership Program**

The Division's Colorado Environmental Leadership Program (ELP), is a voluntary program designed to recognize and reward organizations and businesses that demonstrate superior environmental performance and, as a result, consistently operate at a level that goes beyond mere compliance with environmental regulations. Membership in the program is open to all types of organizations and businesses from large corporate entities to small businesses, government agencies, nonprofits and academic institutions. To participate in the leadership program, an organization must meet ELP eligibility related compliance requirements and fit within a specific "tier" of the program. In exchange, leadership members are provided recognition and regulatory and non-regulatory benefits and incentives from the State (incentives are specific for each tier level).

#### **3.3.1.7 Pollution Prevention Program**

The goal of the Division's Pollution Prevention Program is to make pollution prevention the environmental management tool of first choice in Colorado. The Pollution Prevention Program does this by promoting and supporting long-term process improvements and best management practices that reduce or eliminate waste before it is generated in household, government, commercial and industrial scenarios. Program staff is becoming increasingly involved in Economy, Energy and Environment (E3) activities by partnering with the Colorado Association for Manufacturing and Technology.

#### **3.3.1.8 Pollution Prevention Advisory Board**

The Sustainability Program administers CDPHE's Pollution Prevention Advisory Board which was established in 1992 as part of Colorado's Pollution Prevention Act. The board provides overall policy guidance, coordination, and advice to CDPHE on pollution prevention and environmental leadership activities. In addition, the board administers the Recycling Resources Economic Opportunity grant and rebate program, as well as the pollution prevention grant program on an annual basis.

#### **3.3.1.9 Self-Audit Law**

The Colorado Environmental Audit Privilege and Immunity Law enacted in 1994, provides that all state civil and administrative penalties and penalties for criminally negligent violations of Colorado environmental laws may be waived if such violations are voluntarily disclosed as the result of an audit conducted by or for the entity. The audit law is codified at section 13-25-126.5 of the Colorado Revised Statutes (audit privilege); section 13-90-107, C.R.S., (testimonial privilege); and section 25-1-114.5, C.R.S., (penalty immunity). The Sustainability Program coordinates CDPHE's implementation of this law and notifies EPA in accordance with the terms set forth in the Protocols for Implementation of the Colorado Audit Privilege and Immunity Law, Memorandum of Agreement and CDPHE's Self-Audit Policy.

CDPHE and EPA recognize that the self-audit law specifies CDPHE, as an initial matter, to consider certain factors to determine an entity's eligibility for privilege or immunity protection. If any one of the eligibility factors is not satisfied, the entity is not entitled to protection. In addition, under the self-audit law program, CDPHE has the discretion to evaluate certain other factors to determine whether privilege and immunity protection is justified and appropriate under the given circumstances of the case. If CDPHE determines that one or more of the discretionary factors apply to a particular case, CDPHE may use its judgment to determine if, and to what extent, protection under the self-audit law is appropriate.

EPA and CDPHE consider self-audit immunity submittals to CDPHE to be equivalent to an inspection or compliance evaluation and CDPHE shall appropriately document these submittals.

### **3.3.1.10 Environmental Management System Permit Program**

From 2004 – 2007 CDPHE piloted an Environmental Management System (EMS) permit with five Colorado businesses. Since completion of the pilot project in June 2007, CDPHE has analyzed and continues to refine the EMS permit program. The EMS Permit Program is an option available to Colorado's gold level environmental leadership companies that allow program members to integrate environmental permits into their existing environmental management system, in addition to allowing for operational flexibility and cross-media considerations if adequately demonstrated as being as protective of public health and environmental standards.

### **3.3.1.11 Small Business Ombudsman**

The Small Business Ombudsman serves as a troubleshooter and a liaison between the department's environmental programs and small business owners and managers. In addition, the ombudsman serves an oversight role to CDPHE's Small Business Assistance Program, coordinates the department's Compliance Advisory Panel and renders advisory opinions as to whether regulations, policies, and guidance appropriately consider the concerns of small businesses.

### **3.3.1.12 Environmental Justice**

CDPHE works to integrate awareness of environmental justice concerns into existing environmental programs at all levels, with the goal of achieving environmental justice for all people, regardless of race, color, national origin, or income. CDPHE has established the Health Equity/Environmental Justice Collaborative to increase awareness at the staff level on environmental justice issues to better protect communities from adverse public health and environmental impacts. The Division works on this cross-cutting issue with staff actively participating in Collaborative work groups and supporting a member on the department's HE/EJ Collaborative.

### **3.3.1.13 Rocky Mountain National Park (RMNP) Ag Subcommittee and other Ag Initiatives**

The Division oversees the RMNP Ag Subcommittee including the Early Warning System. The Division represents the CDPHE on the development of the Ag Certainty Program being led by the Colorado Department of Agriculture.

## **3.3.2 Environmental Agriculture Program**

The Environmental Agriculture Program unit is a sector-based program that brings together staff from CDPHE's Air Pollution Control Division, Water Quality Control Division and the Division of Environmental Health and Sustainability to administer state-only and National Pollutant Discharge Elimination System (NPDES) programs applicable to animal feeding operations. In addition, the Environmental Agriculture Program serves as a single-point of contact for the agricultural sector on environmental issues that cut across various CDPHE programs. Specific to environmental water quality and air quality protection requirements, the Environmental Agriculture Program administers the entire regulatory suite of air and water quality activities including writing surface water and ground water protection permits for concentrated animal feeding operations and housed commercial swine operations, conducting site inspections at animal feeding operations, developing and implementing policies and regulations, providing compliance assistance and conducting compliance assurance activities. In addition, the program coordinates cross-cutting environmental issues that impact the agricultural sector, such as permitting issues related to bio-fuel technologies, on-farm composting, etc.

## **3.3.3 School Chemical Hazards**

The Division's school chemical hazards program consists of inspection activities, training and compliance assistance. Inspections are conducted in the 10 counties in Colorado that lack local health agencies. Training on school chemical hazards will be provided to inspection staff at local health agencies and compliance assistance will be provided to schools that tested above EPA action levels for radon testing in the previous project period.

## Division of Environmental Health and Sustainability - FY 2014 Work Plan

SUSTAINABILITY PROGRAM			
SUPPLEMENTAL ENVIRONMENTAL PROJECTS			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities; Goal 4-Objective 4.2: Promote Pollution Prevention; Goal 5, Objective 5.1: Enforce Environmental Laws			
Subgoals	Objectives	Timeline	Performance Measures
Support and advise Cross-Media Enforcement Team (CMET) on SEP related issues.	Review SEP and Eligible Governmental Entity policies annually and make recommendations to CMET as needed.	Annually	# of policies reviewed  # of CMET meetings attended
Increase efficiency of SEP program	As requested by environmental divisions: coordinate directly with the enforcement action respondent to present SEP policy and assist in finding appropriate SEP ideas; analyze and evaluate SEP proposals; track project progress and interim deadlines; and review SEP Completion Reports.	Ongoing	Coordinated SEP ideas with # of entities  # of SEPs evaluated  # of SEP Completion Reports reviewed
	Administer SEP idea database; develop and administer the department's SEP website; develop annual SEP Report to track environmental outcomes from SEPs.	Ongoing	# of new SEP ideas included in database  # of hits on SEP website  Environmental outcomes from SEPs

SUSTAINABILITY PROGRAM			
CROSS-MEDIA AND SECTOR INITIATIVES			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.2: Promote Pollution Prevention; Goal 5, Objective 5.1: Enforce Environmental Laws			
Subgoals	Objectives	Timeline	Performance Measures
Assist with CDPHE innovations and cross-media approaches.	Coordinate compliance assistance efforts between programs, including sharing information, data and referring facilities.	Ongoing	# of facilities provided cross- media compliance assistance
	Cross-train compliance assistance providers.	Ongoing	# of individuals trained and hours of training
	Continue to hold regular workgroup meetings to discuss cross-media opportunities.	Ongoing	Outcomes and outputs of meetings – post achievements on Department's website
	Environmental Results Program		For details refer to Water Quality Control Division and Hazardous Materials and Waste Management Division Chapters 5 and 6.
Integrate successful initiatives into traditional environmental programs.	Integrate Environmental Results Program into environmental divisions.	Ongoing	# of ERP projects implemented  lbs./tons pollutants reduced



SUSTAINABILITY PROGRAM			
EMERGING ENVIRONMENTAL ISSUES			
Supports EPA 2011-2015 Strategic Plan Goal 1- Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3- Objective 3.2: Preserve Land; Goal 4-Objective 4.2: Promote Pollution Prevention			
Subgoals	Objectives	Timeline	Performance Measures
Reduce pharmaceuticals in the environment.	Implement and assess pilot project for collection of unused and unwanted household medications.	FY 2014	Lbs./tons of medications collected  # of project inquiries  # of locations added  # and amount of donations received
	Develop strategies for implementation of sustainable, state-wide household medication take-back programs. Continue stakeholder engagement, focusing on law enforcement, pharmacies and funding sources.	FY 2014	Program development  # of stakeholder meetings
	Assist with the problem identification and outreach efforts surrounding PIE.	Ongoing	# of stakeholders contacted  # of projects initiated
Reduce mercury in the environment.	Implement Supplemental Environmental Project (SEP) programs for reducing mercury in Pueblo area.	Ongoing	lbs. of mercury releases reduced  # of citizens reached
	Set-up mercury recycling programs (CFLs, thermometers, auto switch, etc.).	Ongoing	#of projects implemented and resulting environmental outcomes
Develop processes and systems to address emerging contaminants.	Coordinate with appropriate health divisions to address health and environmental issues.	Ongoing	# of programs/projects implemented  # of environmental outcomes

	Assess data to determine both the significance and scope of the problems affecting the well-being of Colorado's citizens.	Ongoing	Assessment completed and valid use of data
	Identify environmental trends and respond with innovative ideas	Ongoing	Determine data gaps Trends identified
<b>SUSTAINABILITY PROGRAM</b>			
<b>SARA PROGRAMS</b>			
<b>Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.2: Promote Pollution Prevention</b>			
<b>Subgoals</b>	<b>Objectives</b>	<b>Timeline</b>	<b>Performance Measures</b>
Effectively and efficiently implement the EPCRA/SARA Title III TRI and Tier II programs including all associated databases.	Receive and enter TRI (using the Exchange Network) and Tier II data from Colorado businesses (10,000 facilities; 15,000 chemicals).	Ongoing	Timely and effective data entry  Reports at end of Calendar Years
	Develop and maintain the TRI/Tier II database.	Ongoing	Database is searchable and maintained
	Assess SARA fees, generate and mail bills, monitor payments and follow-up with unpaid accounts.	Ongoing	Timely assessment of fees and mailing of bills.
	Utilize EPA internet based system for receipt of TRI reports.	Ongoing	Electronic System in use
	Utilize EPA Tier II Submit software for electronic reporting of Tier II reports.	Ongoing	Electronic System in use
Provide information on program internally, and to public and facilities.	Respond to inquiries regarding TRI reporting and payment requirements from Colorado businesses.	Ongoing	Respond in timely manner  Number of inquires
	Respond to inquiries on information to the public and appropriate parties.	Ongoing	Respond in timely manner

	Generate chemical inventory reports for electronic transmittal to appropriate parties (LEPCs, CEPC, EPA, HMWMD Records Center, EMP).	Ongoing	Reports at end of Calendar Years
<b>SUSTAINABILITY PROGRAM</b>			
<b>GREENING GOVERNMENT</b>			
<b>Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 3-Objective 3.2: Preserve Land; Goal 4-Objective 4.2: Promote Pollution Prevention</b>			
<b>Subgoals</b>	<b>Objectives</b>	<b>Timeline</b>	<b>Performance Measures</b>
Implement Governor's Greening Government Executive Order.	Participate as a lead agency in implementing Greening Government Executive Order.	FY 2014	Annual report on Greening Government projects that were completed during FY 2013
	Attend and participate in regular meetings with other state agencies participating on the Greening Government team.	FY 2014	Participation at meetings # of meetings attended
	Identify targets and objectives for annual Greening Government Projects.	FY 2014	Setting Targets and Objectives and report results at the end of FY2014
	Implement projects to meet targets and objectives.	FY 2014	Environmental outcomes.
	Provide assistance to all state agencies.	FY 2014	# of agencies provided assistance
	Report on projects and efforts.	FY 2014	Report on Greening Government website and to the Colorado Energy Office
Encourage, award, and educate on the use of sustainability practices throughout Colorado.	Provide education and training to business, state and local government, and employees on sustainability practices.	Ongoing	# of individuals reached  Environmental and cost benefits if measurement is possible

SUSTAINABILITY PROGRAM			
ENVIRONMENTAL LEADERSHIP PROGRAM			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality, Objective 1.3: Restore the Ozone Layer, Objective 1.4: Reduce Unnecessary Exposure to Radiation; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land, Objective 3.3: Restore Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention			
Subgoals	Objectives	Timeline	Performance Measures
Identify, recognize and provide incentives to businesses and municipalities that are going beyond basic compliance with environmental requirements and are developing sustainable business practices.	Grow the ELP while maintaining credibility of program and members.	Ongoing	# of member events held # of members participating
Promote ELP to potential members through marketing and outreach.	Provide ELP outreach to companies, trade associations, etc. including a combination of at least 15 presentations, recruitment meetings and site visits with potential applicants annually.	Ongoing	# of presentations # of attendees # of recruitment meetings
	Conduct seminars and/or provide training materials on EMS/ELP/P2/Sustainability to Colorado facilities.	Ongoing	# of presentations # of attendees # of entities reached
	Promote ELP programs internally and to local agencies for referrals.	Ongoing	# of referrals from state and local employees  # of contacts with state and local employees  # of new members as a result of internal referral
Provide member services and mentoring	Provide technical assistance and gap analysis for potential ELP members.	Ongoing	# of facilities provided assistance

	Provide EMS trainings, roundtables, workshops and other mentoring opportunities.	Ongoing	# of sessions # of facilities attending
	Develop and annual ELP progress report.	Annually by December 31 <sup>ST</sup>	Completion and electronic distribution of report
Implement Gold Level ELP.	Expand membership in the Gold Level; enroll a minimum of 2 new participants annually.	Ongoing	# of new applicants # of EMSs assessed # of new members
	Expand the recognition elements of the program for the Gold Level annually, including: Contact each ELP member and document successes; place successes on website with members logos	Ongoing	Successes documented and measurements tracked Measurements on internet site # of hits on internet site
Implement Silver Level ELP.	Conduct mentoring training (EMS) for members.	Ongoing	# of Silver level members applying for Gold Level
	Continue to grow membership in Silver Level; enroll a minimum of 2 new participants in Silver Level annually.	Ongoing	# of new applicants # of projects assessed # of new members
Implement Bronze Level ELP.	Continue to grow membership in Bronze Level; enroll a minimum of 5 new participants in Bronze level annually.	Ongoing	# of new applicants # of EMSs assessed # of new members
Meet with External ELP Advisory Group.	Leverage through the PPAB and include other ELP members and other stakeholders.	Ongoing	# of recommendations and ideas
Meet with Internal ELP Advisory Group.	Meet with internal staff (as needed) to advise ELP on various elements of the program, including compliance reviews and issues.	Ongoing	# of recommendations and ideas

SUSTAINABILITY PROGRAM			
PARTNERSHIPS			
Supports EPA 2011-2015 Strategic Plan Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land, Objective 3.3: Restore Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention			
Subgoals	Objectives	Timeline	Performance Measures
Colorado Environmental Partnership (CEP)	Participate in selecting topics, finding speakers, promoting meetings, etc.	Ongoing	# of collaborative events held
Collaborate with industry, not-for-profits, and governmental agencies in sustainability and energy education including entities such as:  -- Federal Govt: R8, NREL, DOE, OPPTS, -- State & Local Partners: PPAB, DOA, Colorado Energy Office, Office of Economic Development, Sustainability Work Group. -- NGOs: Product Stewardship Institute, NPPR, SAC, Peaks-to-Prairies, Colorado Sustainable Business Network, EC, ED, Colorado Association for Recycling , ICLEI,CORE, Alliance for Sustainable Colorado. -- Businesses & Assns: CLA, CMA, Colorado Auto Recyclers, Automotive Service Assn, Small Business Assn, Printers and Imaging Assn, Colorado Restaurant Association, Colorado Association for Manufacturing Technology.	Continue partnership with Colorado Energy Office, DOE and NREL on energy related projects.	Ongoing	# projects or initiatives resulting from partnerships
	Serve as a board member or active participant in meetings and activities.	Ongoing	Environmental outcomes of efforts
SUSTAINABILITY PROGRAM			
POLLUTION PREVENTION PROGRAM			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.1: Address Climate Change, Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention			
Subgoals	Objectives	Timeline	Performance Measures
Make pollution prevention the environmental management tool of first choice and include sustainability in department decision making.	Integrate pollution prevention concepts and techniques into Greening Government, Cross Media Compliance Assistance, and E3	On-going	Number of initiatives including pollution prevention and/or sustainability.

	initiatives to eliminate pollution at the source.		
Garner employee participation in environmental efforts.	Hold CDPHE-wide Cherry Creek Cleanups along the creek designated for CDPHE.	Spring and Fall 2014	# of participants  Lbs of trash collected
Participate in Colorado Economy, Energy, Environment (E3) Initiative with CAMT, CEO and other partners.	Assist in recruitment of businesses/facilities, performing P2 portion of assessments, and follow-up to document implementation and environmental outcomes.	Ongoing	# of businesses/facilities recruited.  # of E3 assessments participated in.  Environmental Outcomes from recommendations and implementation.
<b>SUSTAINABILITY PROGRAM</b>			
<b>POLLUTION PREVENTION ADVISORY BOARD</b>			
<b>Supports EPA 2011-2015 Strategic Plan Goal 3-Objective 3.2: Preserve Land; Goal 4-Objective 4.2: Promote Pollution Prevention</b>			
<b>Subgoals</b>	<b>Objectives</b>	<b>Timeline</b>	<b>Performance Measures</b>
Assist the Pollution Prevention Advisory Board (PPAB) in providing the maximum environmental benefit to CDPHE and other stakeholders.	Provide meeting support, as well as support for subcommittee meetings.	Ongoing	Provide agenda, meeting logistics, minutes, and other documentation in a timely manner.
Administer the P2 Grants Program from the P2 Fund.	Assist and support PPAB in grant solicitation, review and selection process.	FY 2014	Selection of new grantees
	Provide technical assistance to grantees. Track project progress and outcomes.	FY 2014	Environmental benefits of P2 grants
Assist and support PPAB and the Assistance Committee in implementation of the Recycling Resources Economic Opportunity Grant Program.	Assist in the development of criteria for grants.	Fall 2013	Criteria developed
	Announcement of grant solicitation.	January 2014	
	Assist in the application evaluations.	Spring 2014	Grants announced and awarded

	Support grant recipients and track project performance, make project results available to the public.	Ongoing	Projects completed in a timely manner  Results available to public within 30 days of completion of each project  Environmental benefits and jobs created
RREO Rebate Program	Assist in the development of criteria for rebates and announce rebate solicitation.	FY 2014	Criteria Developed  Rebates announced and awarded
<b>SUSTAINABILITY PROGRAM</b>			
<b>SELF AUDIT LAW</b>			
<b>Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention; Goal 5, Objective 5.1: Enforce Environmental Laws</b>			
<b>Subgoals</b>	<b>Objectives</b>	<b>Timeline</b>	<b>Performance Measures</b>
Maintain the Self-Audit Policy and partner with EPA.	Abide by the Memorandum of Agreement and the EPA Self-Audit Policy.	On-going	# of entities submitting Self-Audit Requests
Maintain internal contacts with each CDPHE division.	Coordinate Self-Audit submittals to appropriate divisions	On-going	# of Closed Self-Audit requests  # of Open Self-Audit requests
Continue to expand, enhance and update the Self-Audit website.	Provide access to information as appropriate	On-going	# of internet hits



SUSTAINABILITY PROGRAM			
EMS PERMIT PROGRAM			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention; Goal 5, Objective 5.1: Enforce Environmental Laws			
Subgoals	Objectives	Timeline	Performance Measures
Educate management and staff on EMS Permit Program.		On-going	Support to move forward with implementation of the program.
Integrate EMS Permit Program into environmental divisions.	Determine value of EMS Permit approach versus incentives under the Environmental Leadership Program and other regulatory approaches.	On-going	Environmental benefits to citizens of Colorado, the regulated community and public health.  Administrative benefit to CDPHE
ENVIRONMENTAL AGRICULTURE PROGRAM			
ANIMAL FEEDING OPERATION (CAFO, HCSFOS, AFO) PROGRAMS			
Supports EPA 2011-2015 Strategic Plan Goal 2-Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 5, Objective 5.1: Enforce Environmental Laws			
Subgoals	Objectives	Timeline	Performance Measures
<b>CAFO REGULATIONS</b>  Implement state- water quality regulatory programs specific to animal feeding operations (AFOs), concentrated animal feeding operations (CAFOs) and housed commercial swine feeding operations (HCSFOs) as appropriate.	Improve sector compliance through the development of effective water quality protection regulations that are in compliance with federal and state statutes and rules.	As necessary, update and implement state CAFO regulations to address CAFOs that are impacting water quality, or to reflect changes made to the federal CAFO rule.	Revise applicable state CAFO regulations within one year of the effective date of applicable federal rules.  100% consensus with all stakeholders on proposed regulatory revisions prior to the final state rulemaking hearing before the Colorado Water Quality Control Commission.

<p><b>CAFO PERMITS</b></p> <p><u>Permit</u> all CAFOs in accordance with applicable federal and state regulatory requirements and deadlines.</p> <p><u>Reporting of permitted CAFO data</u> to EPA.</p>	<ul style="list-style-type: none"> <li>• Certify permitted CAFOs under Colorado CAFO general permit no. COA 932000.</li> <li>• Permit any new discharging CAFOs in accordance with applicable federal and state regulations.</li> <li>• Enter all data requirements on permitted CAFOs into ICIS, including the required elements of the approved Nutrient Management Plan.</li> <li>• Participate as appropriate in quarterly meetings with EPA to discuss progress towards meeting annual permitting and enforcement commitments.</li> </ul>	<p>On-going</p> <p>Within 180 days of receipt of complete application.</p> <p>Mid Yr by April 30 EOY by Oct. 31</p> <p>Quarterly, as scheduled</p>	<p># of permitted CAFOs recertified under COA 932000.</p> <p># of new CAFOs certified under permit COA 932000.</p> <p>% of permitted CAFOs entered into ICIS.</p>
<p><b>CAFO INSPECTIONS</b></p> <p><u>Conduct CAFO inspections</u> to determine compliance with applicable federal and state regulatory and/or permit requirements.</p> <p><u>Report CAFO inspection information</u> to EPA.</p>	<ul style="list-style-type: none"> <li>• Inspect all permitted CAFOs at least once during the life of the permit, every unpermitted CAFO at least once every five years, and all medium AFOs at least once to determine if it is a medium CAFO.</li> <li>• Complete a minimum of 40 CAFO compliance inspections by the end of each inspection year (i.e., Sept. 30<sup>th</sup>) in accordance with Colorado's Inspection Plan.</li> <li>• Participate in up to four joint/oversight EPA/State CAFO inspections, in addition to any other oversight inspections that may be conducted. (EPA will contact the Ag Program to schedule joint/oversight inspections at facilities identified in the CAFO inspection plan.</li> <li>• Provide electronic copies of all inspection reports and dated cover letters conducted</li> </ul>	<p>Ongoing over rolling five year periods.</p> <p>Sept. 30, 2014</p> <p>w/i 45 days of the</p>	<p>% of known CAFO universe inspected every five years (at a minimum).</p> <p># of CAFOs inspected.</p> <p># of medium AFOs inspected.</p> <p>% of return to compliance actions completed within established compliance deadline included in the follow up inspection report.</p> <p># and type of [joint/oversight] inspections completed.</p> <p>% of reports submitted to EPA within established timeline.</p>

<p><u>Submit CAFO Inspection Plan</u> to EPA.</p>	<p>per the state's inspection plan to EPA at the time the inspection is sent to the facility. This shall include inspections that are substituting for a planned inspection.</p> <ul style="list-style-type: none"> <li>• Enter all permitted CAFO inspections into ICIS.</li> <li>• Submit to EPA draft CAFO inspection plan (along with WQCD inspection plan) that includes CDPHE inspection commitments for the coming federal fiscal year.</li> <li>• Finalize CAFO inspection plan within 15 days of receiving EPA comments.</li> </ul>	<p>inspection</p> <p>Mid Yr by April 30 EOY by Oct. 31</p> <p>Initial draft plan Aug. 1, 2013</p> <p>Final draft plan Sept. 1, 2013</p> <p>Sept. 30, 2013</p>	<p>% of permitted CAFO inspections entered into ICIS by established timeline.</p> <p>Submission of draft and final CAFO inspection plans by established timelines.</p>
<p><b>CAFO ENFORCEMENT</b></p> <p>Maintain a high overall compliance rate with applicable state and federal water quality CAFO requirements.</p>	<ul style="list-style-type: none"> <li>• Evaluate all violations to determine an appropriate response consistent with priorities established in CDPHE's Clean Water Action Plan, the CAFO compliance and enforcement strategy and the Animal Feeding Operations Enforcement Response Guide (AFO ERG).</li> <li>• Take timely and appropriate action when necessary against facilities to protect communities and the environment, including formal enforcement actions for any large or medium CAFO determined to have discharged to waters of the U.S.</li> <li>• Submit copies of formal CAFO enforcement actions to EPA as appropriate.</li> <li>• Continue to update the AFO ERG and the compliance and enforcement strategy as necessary.</li> </ul>	<p>Sept. 30, 2014</p> <p>Mid Yr by April 30</p>	<p># informal enforcement actions issued.</p> <p># formal enforcement actions issued.</p> <p># of return to compliance results.</p> <p>Avg. no. of days to return to compliance after initial notice of violation and submittal deadline is provided to the facility.</p>

	<ul style="list-style-type: none"> <li>• Enter enforcement actions into ICIS.</li> </ul>	EOY by Oct. 31	
<b>CAFO END-OF-YEAR REPORTING &amp; ACTIVITIES</b>  Submit PPA EOY reporting information to EPA.	<ul style="list-style-type: none"> <li>• Report to EPA on the number of CAFOs permitted under Colorado general and individual CAFO permits.</li> <li>• Report to EPA on the number of inspections completed, inspection status and the status of inspection follow up activities.</li> <li>• Submit an electronic copy of the CAFO inventory to EPA and report on progress made toward inventory development.</li> <li>• Report to EPA on compliance assistance activities, training and presentations provided to the livestock industry.</li> </ul>	PPA EOY Report Dec. 31, 2014	% of permitted CAFO renewals entered into ICIS within 60 days of effective date of the permit.  % of enforcement data entered into ICIS by established deadline.  EOY report and CAFO inventory submitted to EPA by the established timeline.
<b>CROSS-CUTTING ENVIRONMENTAL AGRICULTURE INITIATIVES</b>			
<b>Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 4- Objective 4.2: Promote Pollution Prevention</b>			
Subgoals	Objectives	Timeline	Performance Measures
Coordinate the Agricultural Technical Workgroup.	Review technical environmental data and potential new environmental requirements resulting from agricultural activities to gauge resource needs and potential new priorities.	Ongoing	# of meetings held  # of recommendations put forth by the workgroup
Coordinate the Rocky Mountain National Park (RMNP) Agricultural Subcommittee.	Coordinate meetings of the subcommittee and interested stakeholders.	Ongoing	# of meetings held
	Develop incentives to promote implementation of ammonia reduction best management practices (BMPs).	Ongoing	# of incentives recommended and/or implemented

	Develop outreach materials to educate agricultural producers and citizens on agriculture's contribution to nitrogen deposition in RMNP.	Sept. 2014	# of outreach materials developed and distributed
	Work with CSU to field test ammonia BMPs at dairies and feedlots.	Ongoing	# of BMPs field-tested
	Work with USDA Natural Resources Conservation Service to incorporate ammonia BMPs into technical standards and existing NRCS programs.	Sept. 30, 2014	# of BMPs incorporated into NRCS programs  # of agricultural producers participating in NRCS programs
	Work with the Air Pollution Control Division to improve Colorado's Ammonia Inventory.	Ongoing	% change in 2002 ammonia data (source contribution) across all sources
	Seek resources (grants) to support BMP research, outreach, etc.	Ongoing	# of grants applied for and awarded  # of ammonia-related outcomes of projects
	Participate in contingency plan measures, if applicable.	Sept. 30, 2014	# of contingency measures developed and actions taken to implement measures
Serve as lead on NRCS Air Quality Committee	Work to implement recommendations from the crop and livestock sectors into NRCS conservation programs, including air and water quality conservation practices.	Sept. 30, 2014	# of recommendations made to the NRCS State Technical Committee  # of recommendations supported or implemented by NRCS within existing programs
Increase compliance assistance to agriculture sector.	Provide outreach and interpretation to livestock producers on applicable solid waste and industrial waste water requirements.	Ongoing	# of producers seeking assistance on cross-cutting issues (i.e., composting and biofuels, etc.)

	Coordinate communication within environmental divisions on issues impacting agriculture such as biofuel technologies, land application of sludges, composting, etc.	Ongoing	# of multi-media meetings held  # of cross-cutting issues resolved
	Assist with permitting issues and questions from the agriculture industry on cross-cutting technologies.	Ongoing	# of producers assisted

ADDITIONAL ENVIRONMENTAL PROGRAMS			
SMALL BUSINESS OMBUDSMAN			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.1: Ensure Chemical safety, Objective 4.2: Promote Pollution Prevention			
Subgoals	Objectives	Timeline	Performance Measures
Represent Colorado at the national and regional level as CDPHE's Small Business Ombudsman.	Serve on the national 507 Steering Committee or SBO/SBAP Subcommittees, including conference calls, and materials related to Colorado's program.	Sept. 30, 2014	# of award nominations reviewed for the national small business meeting  # of subcommittees participated on
Provide assistance and track assistance provided to small business.	Refer small businesses to technical resource in the Small Business Assistance Program (SBAP).	Sept. 30, 2014	# of calls received and referred to SBAP  # of surveys sent  Identification of positive trend in survey results compared to past survey data
	Send small businesses customer assistance rating surveys to gauge SBAP services.		
	Provide timely response to small businesses.	Ongoing	# of entities assisted
	Contact trade associations and small business representatives that SBAP has worked with and get comments and feedback.	Ongoing	# of follow-up activities and suggestions sent back to SBAP.
Serve as a resource for small businesses.	Serve as an impartial resource for small businesses that have complaints or concerns about fair treatment by the environmental divisions.	Ongoing	# of times assistance provided to business  # of contacts made with environmental staff  Environmental outcomes of assistance efforts
	Review SBAP guidance documents prior to	Ongoing	# completed

	issuance and provide advisory opinions.		
	Provide training and outreach on tools available for small businesses and the assistance available through SBAP.	Ongoing	# of conferences or seminars participated in
Review regulations to determine impact on small business and provide information on the regulations to small business community.	Ensure new and modified regulations that impact small businesses are reviewed. Solicit comments from the small business community and through Compliance Advisory Panel (CAP) and submit to EPA.	Ongoing	# of new regulations reviewed  # of new regulations modified that affect small business
	Solicit comments on new small businesses regulations from trade associations and present back to appropriate regulatory agency as small business community comments.	Ongoing	# of comments and suggestions provided within the regulatory timeframe
Support and coordinate the Small Business Compliance Advisory Panel.	Assist in ensuring the Compliance Advisory Panel is an effective resource for small businesses and CDPHE, including assisting the CAP in issuing the advisory report and discuss with EPA.	Ongoing	# CAP meetings held  # of presentations presented to the CAP, including guidance documents, projects and issues for its advisory opinions  # of recommendations made to the director for appointments after conferring with SBAP

#### ADDITIONAL ENVIRONMENTAL PROGRAMS

#### ENVIRONMENTAL JUSTICE

**Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land, Objective 3.3: Restore Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention**

Subgoals	Objectives	Timeline	Performance Measures
Serve as the Division of Environmental Health and Sustainability's representative on environmental justice (EJ) issues.	Participate in meetings between DEHS, EPA, and other CDPHE staff and communities, as appropriate.	Sept. 30, 2014	# of events participated in or DEHS EJ events facilitated and/or coordinated  # of other CDPHE HE/EJ meetings



	<p>Raise awareness within the DEHS and other CDPHE programs on Health Equity (HE) and EJ issues that affect daily work duties and responsibilities</p> <p>Provide training to DEHS staff of emerging EJ issues as appropriate.</p> <p>Review EJ-related documents/policies and, as necessary, collaborate with DEHS staff on EJ projects or efforts, including obtaining information from EPA website, community newsletters, contacts and provide in meetings or correspondences as necessary.</p>		<p>attending (not including collaborative)</p> <p># of events with EPA attended (e.g., Denver EJ Forum, EPA EJ training, etc.)</p> <p># of attendees at CDPHE-HE/EJ trainings or educational opportunities</p> <p>Documented environmental outcomes, if available</p> <p># of documents/policies reviewed</p>
Participate in the CDPHE Health Equities/Environmental Justice (HE/EJ) Collaborative.	Actively participate in identifying and helping to implement CDPHE's path forward regarding HE and EJ issues.	June 30, 2014	# of meetings attended
<b>COMPLIANCE ASSISTANCE</b>			
<b>ENVIRONMENTAL HEALTH</b>			
<b>Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention</b>			
Subgoals	Objectives	Timeline	Performance Measures
Provide regulatory oversight to schools in rural areas.	Conduct field inspections and compliance assessments through self-certification of schools in counties without local public health agencies under the jurisdiction of the department.	Ongoing	Percentage of schools with chemical laboratories assessed at least once during the performance period.

REGULATORY UNIFORMITY			
ENVIRONMENTAL HEALTH			
Supports EPA 2011-2015 Strategic Plan Goal 1-Objective 1.2: Improve Air Quality; Goal 2-Objective 2.1: Protect Human Health; Goal 3-Objective 3.1: Promote Sustainable and Livable Communities, Objective 3.2: Preserve Land; Goal 4-Objective 4.1: Ensure Chemical Safety, Objective 4.2: Promote Pollution Prevention			
Subgoals	Objectives	Timeline	Performance Measures
Provide training and assistance to state and local public health personnel to assure uniformity in regulatory inspections for schools.	Develop an on-line training course for school and regulatory personnel.	FY 2014	Development of on-line training course for local public health agencies.
Provide compliance assistance for schools to that tested above EPA action levels for radon.	Provide technical support and assistance for schools within the department's jurisdiction to identify resources for radon level reduction and mitigation.	FY 2014	Percentage of schools tested during FY 2013 project period with levels below EPA action levels.

## 4.1 Overview

Chapter 4 of the CEPPA addresses the protection of air quality in Colorado. The agency with primary responsibility for protecting the air resources of Colorado is the Air Pollution Control Division (APCD) of CDPHE. This chapter includes:

- The APCD mission, goals, and organizational structure;
- Environmental conditions related to air quality in Colorado; and
- The PPA APCD work plan which includes program strategies, activities, and the program milestones or measures to show progress.

The PPA APCD work plan is organized according to the goals of both the CDPHE and the U.S. EPA, as reflected in:

- The Colorado Department of Public Health and Environment Strategic Plan, which contains the internal work plan for APCD; and
- The FY2011-15 EPA Strategic Plan.

Additionally, a significant amount of the APCD effort is conducted in cooperation with local health agencies in Colorado. The APCD may assist local agencies or contract directly with a local agency to assist in the implementation of delegated programs such as compliance monitoring and ambient monitoring.

## 4.2 Mission

The Mission of the APCD is stated below. In achieving this mission the staff and managers of the APCD will maintain consistency and coordination with other CDPHE programs, the EPA and other partners and stakeholders.

The mission of the Air Pollution Control Division is to improve and protect the air quality in Colorado through the development and implementation of cost-effective and efficient air pollution control measures that are consistent with the requirements of state and federal law.

## 4.3 State and Federal Law, Mandates and Initiatives

In carrying out its mission, the APCD will meet the requirements of the federal Clean Air Act, Colorado Air Pollution Prevention and Control Act, and the applicable federal and state rules and regulations that implement the acts.

In addition to meeting these laws and mandates, the APCD will:

- Address new initiatives such as those assigned to the APCD by the Colorado Air Quality Control Commission or the Colorado General Assembly;
- Ensure air quality problems are addressed that do not fall under federal or state programs.

## 4.4 Air Division's Major Goals

The Air Division focuses on three major goals with related sub-goals:

1. Achieve a level of air quality that protects and preserves human health
  - a. Attain and maintain the National Ambient Air Quality Standards
  - b. Protect citizens from exposures to air toxics
2. Achieve levels of air quality in Colorado that protect the integrity of the natural ecosystem
  - a. Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected.
  - b. Protect stratospheric ozone – Ensure the control of CFC compounds.

- c. Take action on climate change – Ensure greenhouse gas emissions are managed.
  - d. Protect environment from Mercury contamination.
- 3. Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors.
  - a. Improve Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability
  - b. Reduce Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development and implementation of the Colorado Regional Haze SIP
  - c. Control odors (state only program)

## **4.5 Air Quality Environmental Conditions**

### **4.5.1 NAAQS**

Colorado became the first state in the nation to come into attainment with all the national ambient air quality standards. That milestone was reached in 2002, and since that time trends in ambient air quality have continued to improve. However, with a stricter ozone standard established by the EPA in 2007, and unfavorable meteorological conditions for several years, the Denver and North Front Range area was designated by EPA as a non-attainment area for ozone in 2007. An even stricter ozone standard set in 2008 has resulted in more ozone violations.

Colorado developed an ozone action plan and state implementation plan (SIP) revision to meet the 1997 standard, the most recent of which was submitted to the EPA on June 18, 2009 and partially approved by the EPA on August 5, 2011. The plan placed new emission controls on the oil and gas industry and expanded the motor vehicle emissions testing program to the North Front Range to include Fort Collins, Greeley and nearby areas. Colorado is in the process of evaluating its ozone action plan and SIP to ensure it will meet the stricter requirements of the 2008 standard. Colorado was designated by the EPA as a marginal nonattainment area for the 2008 ozone standard effective July 20, 2012 and must show attainment of the standard by 2015.

### **4.5.2 Regional Haze**

Across the country, visual range has been substantially reduced by air pollution. In eastern parks, average visual range has decreased from 90 miles to 15-25 miles. In the West, visual range has decreased from an average of 140 miles to 35-90 miles. Colorado has some of the best visibility in the West, but also has a number of areas where visibility is impaired due to a variety of sources.

Colorado's Regional Haze Plan demonstrates the current level of visibility impairment in National Parks and Wilderness Areas, and presents an enforceable strategy to achieve gradual and continuous visibility improvements. The EPA gave its final approval to Colorado's Regional Haze Plan in October of 2012. The plan will reduce the emission of approximately 71,000 tons of visibility-impairing pollutants in Colorado every year, including both nitrogen oxide (NO<sub>x</sub>) and sulfur dioxide (SO<sub>2</sub>) emissions. The reduction of NO<sub>x</sub> emissions also will be beneficial to reducing ground-level ozone in Colorado.

### **4.5.3 Greenhouse Gases**

Colorado's 2007 Climate Action Plan projected that greenhouse gas (GHG) emissions would increase 81 percent above 1990 levels by 2020. Effective in 2011, new state and federal regulations require some of Colorado's largest industries to obtain permits if their GHG emissions are above certain levels, and to report their emissions to the EPA. Greenhouse gases, such as carbon dioxide (CO<sub>2</sub>), have been linked to climate change.

Under the permitting program, sources may need to limit their emissions of GHGs or utilize Best Available Control Technology to reduce emissions. The permitting program falls under the federal "Tailoring Rule," which has been submitted to the EPA for incorporation into the state SIP. The rule tailors emission thresholds to apply to the largest sources of GHGs. A separate reporting rule administered by EPA requires facilities that emit 25,000 or more metric tons per year of CO<sub>2</sub> equivalent to submit annual reports of the emissions to the EPA.

### Non-regulatory GHG initiatives

Colorado has participated as a member of The Climate Registry for several years. The Climate Registry is a nonprofit collaboration among North American states, provinces, territories and tribes that sets standards to calculate, verify and publicly report greenhouse gas emissions into a single registry. The registry supports both voluntary and mandatory reporting programs and provides comprehensive, accurate data to reduce greenhouse gas emissions.

The Colorado Department of Public Health and Environment works closely with the Governor's Energy Office, primarily with its Greening Government Initiative that seeks to reduce energy usage from state buildings and fleets. The Air Pollution Control Division has helped analyze energy usage data to better understand where state government can reduce its emissions of GHGs.

The Division also participates in Clean Cities, a national coalition of government agencies and private businesses that works to reduce petroleum use in the transportation sector. Colorado has supported a Clean Cities grant application that, if awarded, would provide the state with funding to plan for development of its electric vehicle fleet.

### **4.5.4 Toxics**

Toxic or hazardous air pollutants are those that are known or suspected to cause cancer or other serious health problems. Several air monitoring studies of toxics in Colorado have been done, including in Denver, Pueblo, Grand Junction and Garfield County. In general, the studies have found that most air toxics levels are low with a few localized exceptions related to specific sources. Urban areas where motor vehicles and industries are concentrated, have the most impacts in Colorado. Rural areas where oil and gas development occurs are also impacted, particularly areas associated with specific development activities.

While no ambient air quality standards have been set for air toxics, the EPA published an original list of 188 air toxics and has developed National Emission Standards for Hazardous Air Pollutants (NESHAPS) specific to those pollutants. The state routinely adopts Maximum Achievable Control Technology requirements to implement the federal NESHAPS. The requirements are technology-based controls or work-practices for specific industries and are designed to reduce hazardous air pollutant emissions to a maximum achievable degree, taking into consideration the cost of reductions and other factors.

Air toxics also are reduced through automobile inspection and maintenance, ozone reduction measures such as condensate tank controls to reduce volatile organic chemicals, chlorofluorocarbon reduction and phase-out, mercury pollution prevention and emission reduction efforts, a diesel school bus and emissions control retrofit program, and pollution prevention in industries and communities statewide.

## 4.6 Organizational Structure of the Air Division

The Air Division is organized into five program areas. These are listed below. Performance Partnership Grant funds are utilized in all programs listed:

<b>Air Pollution Control Division</b>					
<b>Director's Office</b>					
Planning and Policy Program	Mobile Sources Program	Stationary Sources Program	Indoor Environment Program	Technical Services Program	Administrative Program
Nonattainment planning & redesignation (including conformity determinations)	Alternate Fuels Program	Operating Permits Program	Asbestos & Lead-based Paint Programs	Ambient Air Quality Monitoring Program	Fiscal policy and planning
Air Quality Advisory Programs for winter (CO and PM) and summer (O3), blowing dust, smoke	High Altitude Emissions Testing & Research	Construction Permits Program	Chlorofluorocarbon (CFC) Program	Air Pollution Modeling & Inventory Development	Division budget development, expenditure and revenue management
Community Based Programs in various areas of state	Automotive Inspection and Readjustment (A.I.R.) Programs	Enforcement	Indoor Air Quality	Rural Acid Deposition and Visibility Research Program	Contract/procurement management
Education and Outreach	Diesel Emissions Control Program	Small Business Assistance & Outreach		Air Quality Forecasting – summer/winter	Information Technology support in coordination with the State's Office of Information Technology
Environmental Assessment coordination	Oxygenated and Clean Fuels Programs	Inventory & Support Program		Prescribed Fire/Smoke Management Program	Personnel and Human Resource coordination and support.
Integrated Air Toxics efforts	Application of remote sensing technologies	Oil and Gas Unit		Quality Assurance Program	
Regional Haze program planning	- High emitter program	Regulatory Development			
Climate Change Planning	- Clean Screen Program	Document Management			
	Smoking vehicle programs	Field Services			
	SIP development support				

#### 4.7 Air Pollution Control Division – FFY 2014 Work Plan (10/1/13 – 9/30/14)

##### APCD Goal 1: Achieve a level of air quality that protects and preserves human health

Sub-goals include:

- Attain and maintain National Ambient Air Quality Standards
- Protect citizens from exposures to toxic air pollutants

**EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality -- Objective 1.2 Improve Air Quality**

**EPA 2011-2015 Strategic Plan Goal 5, Objective 5.1: Enforce Environmental Laws**

Program Strategy	Activity	Milestone/Measure
<b>MOBILE SOURCE PROGRAMS</b>		
1.1 Operate Automobile Inspection and Readjustment (A.I.R.) Program and Clean Screen Program – Regulation No. 11	Operate A.I.R. program in Denver metro and North Front Range areas.	Ongoing
	Ensure that the A.I.R. program in Denver metro and North Front Range areas is consistent with and continues to meet all SIP requirements. North Front Range program is state-only, and not part of the SIP.	Ongoing
	Inspector training/certification maintained.	Ongoing
	Data collection and processing systems maintained.	Ongoing
	Support field enforcement activities by Dept. of Revenue.	Ongoing
	Monitor program quality and performance.	Ongoing. Annual report developed each year.
	Provide support to customers, inspectors, auto entities and repair technicians.	Ongoing
1.2 Operate Diesel Inspection and Self-certification Program – Regulation No. 12 (State only)	Similar operation and training measures as A.I.R. Program. Work with our counterparts at the regional and local levels to implement the Colorado Clean Diesel Program.	Ongoing
1.3 Develop and participate in mobile source air quality improvement strategies	Continue remote sensing activities.	Ongoing
	Implement and continue smoking vehicle programs.	Ongoing
	Participate in Regional Air Quality Council programs.	Ongoing
	Review auditor A.I.R. Program recommendations.	Ongoing Expanding modelyear exceptions to seven

Program Strategy	Activity	Milestone/Measure
		model years. Incorporating On-Board-Diagnostic (OBD) as a component of the IM Program inspection.
	Conduct public outreach.	Ongoing
	Submit area-wide assessment of RVP levels as part of Ozone SIP development.	Ongoing
	Utilize MOVES model in SIP planning and mobile source air quality assessment activities. Continue participation in model improvement and development activities.	Ongoing
	Monitor Federal Renewable Fuels Program.	Ongoing
	Monitor federal new Tier 3 vehicle emissions certification, GHG, and CAFÉ rules. Continue to contrast federal rules to California's LEV program.	Ongoing
	Examine the use of remote sensing to identify vehicles with high evaporative emissions.	Conducting research.
	Assist NREL with mass emissions testing of vehiclesinvolved in vehicle emissions studies..	Ongoing
1.4 Support mobile source strategies through technical studies and operation of testing equipment and facilities	Provide mobile source emission inventories and emission factors.	Ongoing
	Operate and maintain Technical Centers.	Ongoing
	Operate and maintain mass emissions testing facility.	Ongoing
	Conduct an analysis of Colorado fuel market including: volatility, ethanol content, market status and other parameters	Ongoing
	Contribute to division inventory report of actual annual emission data.	Ongoing
<b>STATIONARY SOURCE PROGRAMS</b>		
1.5 Conduct activities of the Construction Permits Program for stationary sources	Issue permits to minor sources in Colorado.	4,100 minor source permits issued
	Issue synthetic minor permits to applicable sources in Colorado.	400 synthetic minor permits issued
	Issue PSD permits.	4 PSD permits issued
	Issue permits to major sources in nonattainment areas.	1 NAA NSR permit issued
	Enter RACT/BACT/LAER determinations in EPA's clearinghouse database (RBLC) within 30 days following permit issuance, including the "application acceptance date" and "date of permit issuance."	Data entered on a continuing basis
	Prepare AIRS data entry and forward to Inventory Group.	Ongoing
	Track PSD increment periodically to meet the requirement of 40	Ongoing



Program Strategy	Activity	Milestone/Measure
	CFR 51.166(a)(4).	
1.6 Conduct activities of the Operating Permits Program for stationary sources	Ensure sources submit Title V applications for renewal.	Monitored throughout the year.
	Prepare AIRS data entry and forward to Inventory Group.	Ongoing
	Continue development of program with EPA guidance (Part 70) and input from affected parties.	NA
	Continue to issue proposed, initial, renewal, and modified Title V permits.	Ongoing
	Prepare and submit TOPS data to the Region for entry into EPA's national database.	Ongoing
	Address recordkeeping and information request requirements.	Ongoing
	Coordinate with EPA on petitions for Title V permits.	Ongoing
1.7 Operate Small Business Assistance Program	Conduct industry workshops, data collection and coordination.	Ongoing
	Support Compliance Advisory Panel	Ongoing
	Update small businesses through site visits and technical assistance (MOU with Field Services Unit).	Site visits performed when requested by business, Field Services, or others.
	Provide consultations and site visits in accordance with MOU with Field Services Unit on enforcement referrals.	Site visits performed when requested by business, Field Services, or others.
	Outreach and coordination with local health departments.	Ongoing. Local health departments invited to workshops.
	Participate in Cross Media Innovation and Strategy Team – sector projects and coordination.	Ongoing
	Develop End-of-year report on compliance assistance efforts	Ongoing – Report developed annually
<b>Stationary Sources Program Enforcement:</b>		
1.8 Develop regulations and strategies to support compliance with regulations	Continue to evaluate methods to incorporate P2 into regulations and permits.	Ongoing
	Provide support and training to engineers and inspectors (policy interpretation, settlement documents, assist in negotiation of settlements, enforcement data base).	Ongoing
	Revise NSR and PSD revisions as needed.	Ongoing
	Revise Reg. 6 – New Source Performance Standards.	Annual - Ongoing
	Revise Reg. No. 8 Parts A & E incorporating MACT and NESHAP rulemaking updates and development of cooperative federal/state work plan. To include: funding options; addressing 112(j) compliance deadlines; development and implementation	Annual - Ongoing

Program Strategy	Activity	Milestone/Measure
	of area source rules; development of information; incorporation of pollution prevention where appropriate; and analyses regarding air toxics.	
	Revise Common Provisions, Regulation 1, Regulation 3, Regulation 4, Regulation 7 regulations to maintain an updated SIP or in respond to EPA SIP disapproval actions.	Ongoing
1.9 Continue oversight of local health department contracts and inspections (Field Services)	Negotiate contracts annually.	Field Services local agency contracts follow the state fiscal year (July 1 through June 30).
1.10 Conduct compliance inspections and evaluations for industrial sources (major and minor) and final approval inspections.  Report information to EPA through the Air Facility System (AFS).	Inspection review, assistance as needed, enter reports on AIRS, maintain tracking logs, monitor quarterly reports.	Field Services activities ongoing; reports are reviewed and entered into AIRS as they are received, assistance is provided to local agencies as needed and upon request, monthly and quarterly reports are maintained to track local agency activity per contracts
	Ensure proper certifications (odor & opacity) in place for local agency staff.	Contracts require agency staff attend and obtain opacity and odor certifications. Division does periodic spot checks of certification status.
	Operating and other final permits reviewed.	Ongoing
	Conduct final approval inspections for facilities.	Ongoing; Sources are required to submit a “self-certification” for compliance with initial approval permits; Division reviews all of the required documents before approving the permit for “final approval”
	Perform stack testing, source audits and CEM certifications.	Ongoing Number of stack tests Number of relative accuracy test audits
	Evaluate excess emission reports.	EERs are submitted on a quarterly basis and are reviewed in detail following submittal.
	Perform oversight of underground tank inspections by Oil and Gas Division in Denver metro area.	Ongoing Number of oversight inspections
	Provide AIRS updates as necessary through:	AIRS updated approximately once per month, including all of the MDRs on all sources; all CMS sources are flagged in AFS and HPVs are correctly identified; Division conducts periodic reviews to ensure data is correct

Program Strategy	Activity	Milestone/Measure
	1. Provide timely data to AFS as identified in the National Minimum Data Requirements (MDR's) on CMS sources evaluated or investigated, and on any other sources that are major according to CAA definition.	Ongoing
	2. Coordinate with EPA to ensure that CMS sources are flagged in AFS for inspection, and to ensure that high priority violations are correctly identified in AFS.	
	3. Perform periodic reviews of AFS data to ensure required data have been entered correctly.	
	Participate in Cross Media Innovation and Strategy Team	Ongoing
	Submit Compliance Monitoring Strategy to EPA	Submitted to EPA by September 30 of each year for the EPA fiscal year beginning on October 1.
1.11 Conduct residential burning emissions control program	Participate in High Pollution Advisory Program in Denver metro area.	Ongoing. Daily air quality "Action Day" forecasts are issued from November 1 to March 31.
	Respond to and follow up on complaints.	Complaints are investigated as they are received.
	Coordinate with WESTAR and EPA in identifying PM2.5 and HAP emission contributions from minor source wood boilers and identifying possible control measures if necessary.	Division participates in workshops, trainings and discussions regarding wood boilers.
	Issue warning letters, compliance advisories, NOVs and compliance orders. Conduct AQCC hearings and Settlement Agreements (both state and local agencies)	Ongoing
1.12 Conduct general open burning program	Issue open burning permits and coordinate enforcement against illegal burning and open burning bans.	Ongoing
1.13 Conduct testing and evaluation of industrial sources	Maintain emissions and facility data system from new, revised and renewed APENs into data system.	Ongoing
1.14 Operate stationary source emissions and facility data system	Utilize the Exchange Network to transfer the Emissions Inventory System information. Ongoing	
	Participate in ongoing training provided on National Emission Inventory.	Ongoing
1.15 Monitor local SIP commitments – Reg. No. 16 street sanding	Monitoring and assessing community SIP sanding reduction activities and reports.	Ongoing
<b>INDOOR ENVIRONMENT PROGRAM</b>		
1.16	Conduct 200 inspections for compliance with Regulation No. 8	Ongoing

Program Strategy	Activity	Milestone/Measure
Reduce asbestos exposure to the public through operation of the Asbestos Program	and NESHAP.	Number of inspections completed
	Review notifications; issue abatement and demolition permits.	Ongoing Number of demolition permits issued Number of abatement permits issued
	Process certification applications; issue certifications.	Ongoing Number of certifications reviewed and processed for Workers, Supervisors, Building Inspectors, Management Planners, Project Designers, Air Monitoring Specialists and General Abatement Contractors. Number of registrations reviewed and processed for asbestos laboratories, training providers and asbestos consulting firms.
	Initiate enforcement actions; timely and appropriate resolution of cases.	Ongoing Number of non-school cases opened Number of non-school cases closed Number of school cases opened Number of school cases closed
	Conduct outreach activities.	Ongoing Number of outreach activities conducted
	Incorporate asbestos enforcement requirements in local health department contracts.	The Asbestos Unit currently has contracts with three local health departments to perform asbestos inspections.
	Conduct Rulemaking, as necessary.	The Asbestos Unit will be undertaking a revision to Colorado Reg. No. 8 during the 2014 federal fiscal year.
	Enter data into a database for all asbestos NESHAP notifications and enforcement actions.	Data for all abatement, demolition, certification and enforcement actions is entered into the database on an ongoing basis.
	Implement the TSCA Asbestos-in-Schools Program according to federal and state rules.	The Asbestos Unit continues to implement the TSCA Program, assisting schools to manage asbestos in their buildings. Activities include inspections, being available as a resource for school personnel and responding to complaints. All grant related reports were filed with EPA in a timely manner.
1.17	Conduct 48 TSCA/AHERA inspections.	Ongoing

Program Strategy	Activity	Milestone/Measure
Reduce occurrences of asbestos in schools (CDPHE will implement activities as described in work plan narrative)		Number of inspections conducted Number of course audits conducted
1.18 Operation of lead-based paint certification and abatement program.	Conduct 20 inspections for compliance with Regulation No. 19.	Ongoing: Number of inspections conducted
	Process Certification applications, issue certifications.	Ongoing: Number of certifications processed and issued.
	Conduct course audits	Ongoing: Number of audits conducted
	Initiate enforcement actions, timely and appropriate resolution of cases.	Ongoing: Number of actions initiated, Number of resolved
	Distribute educational materials.	Ongoing
	<i>Partner</i> with local health departments. Partner with state and local housing agencies.	Ongoing
	Conduct Rulemaking as necessary.	As needed, if EPA changes their clearance levels.
<b>PLANNING AND POLICY – SIP DEVELOPMENT, REGIONAL COLLABORATION, EMERGING ISSUES, COMMUNITY RELATIONS AND COMMUNICATIONS</b>		
1.19 Develop and implement community based air quality programs in cooperation with local agencies or local governments	Monitor Natural Events Action Plans and other community initiatives in San Luis Valley, Lamar (to support maintenance SIP) and Grand Valley – Grand Junction area.	Ongoing,
	Coordinate and expand Western Colorado Regional Air Quality Collaboration, a voluntary community partnership to promote consistency and collaboration regarding air quality issues.	Ongoing
	Provide assistance to Garfield County community-based initiative to address natural gas development concerns.	Ongoing
	Work to Identify other at risk areas through monitoring or other methods.	Ongoing
	Respond to citizen concerns and inquiries regarding Colorado's air quality and air pollution control strategies	Ongoing
1.20 Develop and/or revise maintenance SIPs and redesignation requests for current nonattainment and attainment/maintenance areas in Colorado	Assist the Regional Air Quality Council in evaluating the effectiveness of the 2008 Ozone Action Plan in meeting the 2008 ozone NAAQS.	Implement voluntary ozone control measures if necessary to meet 2008 ozone standard.
	Develop update to Lamar PM10 maintenance plan.	Submitted to EPA in 2013.
	Update Lamar Natural Events Action Plan, which is an element of the Lamar PM10 maintenance plan.	Submitted to EPA in 2013.
1.21	Follow federal NAAQS revision process and prepare	Submit PM2.5 NAAQS designation recommendations

Program Strategy	Activity	Milestone/Measure
Develop and submit recommended NAAQS designations, as needed	recommended designations to submit to EPA as needed.	for revised annual standard to Air Quality Control Commission for action in fall 2013. Submit to EPA in late 2013.
1.22 Develop and submit Infrastructure SIPs	Develop and submit 2010 NO2 NAAQS infrastructure SIP/certification.	Ongoing. Submit in 2013.
	Develop and submit 2012 SO2 NAAQS infrastructure SIP/certification.	Ongoing. Submit in 2013.
	Develop and submit 2008 Ozone NAAQS infrastructure SIP/certification.	Ongoing.
1.23 Develop and submit Interstate Transport SIPs	Prepare 2010 NO2 NAAQS Interstate Transport SIP.	Submit SIP to Air Quality Control Commission for proposed adoption in 2013/14.
	Prepare 2010 SO2 NAAQS Interstate Transport SIP.	Submit SIP to Air Quality Control Commission for proposed adoption in 2013/14.
1.24 Monitor transportation conformity determinations of MPO and CDOT programs and projects – Regulation No. 10	Monitor conformity determinations for Metropolitan Planning Organizations (MPOs) along Front Range.	Ongoing
1.25 Support NEPA activities including review of air quality impacts disclosed in NEPA documents	Review and comment on documents/letters prepared for NEPA process such as Environmental Impact Statements and Resource Management Plans.	Ongoing
1.26 Conduct Regional Modeling for ozone and other purposes	Continue review National Air Toxics Assessments data and comment on proposed rules and policy.	Ongoing
1.27 Operate General Air Toxics Program	Work with other Division programs to seek funding for additional monitoring and grant funding (such as DERA grants).	Ongoing
	Complete additional diesel school bus retrofits contingent upon receipt of DERA funds.	Ongoing
	Improve oil and gas related emission inventories with additional focus on diesel truck traffic.	Ongoing
	Continue implementation of mercury reduction initiatives within CDPHE and assist in development of Mercury TMDL. Analyze mercury reductions since implementation of 2007 Colorado Mercury Rule.	Ongoing

Program Strategy	Activity	Milestone/Measure
1.28 Implement cross-media initiatives	Continue coordination with other CDPHE programs in development and implementation of: Cross Media Programs, and Environmental Coordinating Committee.	Ongoing
<b>TECHNICAL SERVICES PROGRAM -- MONITORING, EMISSION INVENTORIES, MODELING, PRESCRIBED FIRE</b>		
1.29 Monitor Air Quality	Per CFR Schedule, submit all ambient criteria pollutant data to the Air Quality System (AQS).	Ongoing
	Per the Exchange Network requirements for regulatory and national system reporting, submit XML-formatted AQS data.	NEIEN grant participation is ongoing.
	Implement ambient air monitoring program in accordance with 40 CFR Part 58.	Ongoing
	Submit five-year Network Assessment.	N/A this year. Last submitted by July 1, 2010 deadline.
	Submit annual SLAMS data certification.	May 1 each year
	Operate and maintain monitoring sites statewide (gaseous, particulate, meteorology). Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests.	Ongoing
	Conduct required lead monitoring at Centennial Airport.	Ongoing Evaluation and discussion with EPA in 2013-2014 to assess the need for continuation
	Provide updates to department-wide Quality Assurance Management Plan (QMP) and submit to EPA as needed.	Completed in 2011. Updates as needed.
	Revise Quality Assurance Project Plan (QAPP) and submit to EPA.	Ongoing/revisions in progress, to be completed in early 2014.
	Operate ambient air monitoring network in accordance with QAPP.	Ongoing
	Modify and update EPA AQS System.	Ongoing
	Produce Annual Air Quality Data Report.	Ongoing
	QA / QC Review.	Ongoing
	Submit Annual Network Plan to EPA that is oriented toward the new National Air Monitoring Strategy guidance. Review site files.	July 1 each year

Program Strategy	Activity	Milestone/Measure
	Conduct daily forecasting, summer and winter pollution advisories, and prepare High Pollution Advisory Season and Summer Ozone Advisory Statistics.	Ongoing
	Continue Emergency Response Forecasting and Support to CDPHE Emergency Response Planning.	Ongoing
	Continue NCore monitoring station as approved by EPA.	Ongoing
	Maintain awareness of requirements for monitoring for new NAAQS. Install sites as needed to meet requirements.	Ongoing. Second near-road NO2 site in Denver will be installed in 2014, to be operational by 1/1/2015. PM2.5 at near-road site by 1/1/2015.
	Maintain awareness of new requirements for Exceptional Events. Flag data in AQS related to natural and exceptional events. Develop and submit documentation to EPA.	Ongoing. Development and submittal of exceptional event documents is ongoing.
	Conduct Special Monitoring Projects.	As needed. Ozone precursor/NMOC sites ongoing in Denver/Weld county area. North Front Range Emissions and Dispersion Study to commence in 2013.
	Continue National Air Toxics Trends monitoring site in Grand Junction: Maintain and repair VOC/carbonyl, PAH and PM10/metals monitoring equipment. Install and maintain additional equipment as required. Perform calibrations and audits on the equipment. Interpret and report data received from the analytical lab. Submit metals data to AQS within 90 days after the end of each quarter. Provide quarterly analysis updates. Perform monitoring according to the NATTS QAPP. Review and Update QAPP as necessary.	Ongoing.
	Assist local agencies in special monitoring studies.	Ongoing. Work on a locally supported source air toxics study targeted at development activities in Garfield County is underway.
1.30 Develop and Maintain Emissions Inventories	Provide updated emission inventory reports using new EIS system for point, nonpoint and mobile sources (type B) using 2011 and newer emission data and based on the EPA- established reporting thresholds for SOX, NOX, VOC, PM2.5 and PM10, CO, Pb and NH3.	Ongoing



Program Strategy	Activity	Milestone/Measure
	Develop of an Integrated Approach / Methodology for Inventory Development.	Ongoing
	Support inventory development for state SIPs including Ozone SIP.	Ongoing
	Continue work on the 3-state pilot program: monitoring, emissions/data warehouse (as identified in the “2010 Three-State Pilot Project: Air Monitoring Site Installation and Operation, Emissions Inventory Data Warehouse Development – Colorado Workplan and Budget”), and modeling (as funding is available).	Ongoing. Ozone/meteorological site near Maybell is operational. Development of the Data Warehouse is underway.
1.31 Conduct Air Quality Modeling	Conduct modeling for stationary source permits.	Ongoing
	Conduct regional modeling for ozone and other purposes.	Ongoing
	Conduct modeling for state SIPS as needed.	Ongoing
1.32 Conduct Prescribed Fire Program	Implement prescribed fire program (develop MOU and issue permits for significant users of prescribed fire through implementation of state-only program through Reg. No. 9: Open Burning, Prescribed Fire and Permitting.)	Ongoing
	Conduct oversight to ensure that permittees implement best air quality protection practices in prescribed burning events.	Ongoing
	Implement local delegation component of program.	Ongoing
	Continue evaluating and implementing recommendations from report developed by HB-09-1199 mandate to review and evaluate Smoke Management Program. Recommendations focus on improved and simplified permitting, communications, monitoring and observation of fires and smoke, resource identification and data analysis.	Ongoing Some recommendations have been implemented and standard conditions relaxed. Work towards some pilot burns is underway.

## APCD Goal 2: Achieve levels of air quality in Colorado that protect the integrity of the natural ecosystem

APCD Sub-goals include:

- Protect environment from acid deposition damage - Ensure all Class I areas are protected from acid deposition impacts and other Air Quality Related Values are protected.
- Protect stratospheric ozone – Ensure the control of CFC compounds.
- Take action on climate change – Ensure greenhouse gas emissions are managed.
- Protect environment from Mercury contamination.

### EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Ensuring Air Quality:

#### EPA Objective 1.1 Address Climate Change

#### EPA Objective 1.2 Improve Air Quality

#### EPA Objective 1.3 Restore the Ozone Layer

Program Strategy	Activity	Milestone/Measures
2.1 Ensure acid rain minimized through operation of construction and operating permit programs	Issued permits to utilities.	Ongoing
2.2 Ensure acid deposition emissions are minimized through testing and evaluation of industrial sources	Conduct stack testing, source audits and CEM certifications for utilities.	Ongoing
	Evaluate excess emission reports for utilities	Ongoing
2.3 Ensure acid rain minimized through updates to Regulation No.18 as necessary	Revise regulation.	Ongoing
2.4 Reduce nitrogen deposition through implementation of Rocky Mountain National Park Initiative	Annually assess monitoring/research data.	Ongoing
	Work with agricultural stakeholders to develop studies, projects, and Best Management Practices to reduce ammonia emissions	Ongoing
	Develop improved ammonia inventory.	Ongoing
	Focus additional attention to RMNP in regard to AQRV impairment.	Ongoing

Program Strategy	Activity	Milestone/Measures
	Publish Weight of the Evidence Milestone Report to demonstrate if the 2012 milestone was met.	Will be issued by the end of 2013.
2.5 Protect stratospheric ozone levels through minimizing emissions of CFCs from applicable sources	Equipment registration and facility notification.	Number of equipment items registered, Number of facility notifications
	Inspections (both state and local agencies) for compliance with Regulation No. 15.	Number of inspections conducted
	Training and outreach (including pollution prevention).	Ongoing
	Continue to negotiate local health department contracts annually for CFC inspections and enforcement.	Ongoing
2.6 Ensure man-made climate change impacts minimized	Develop policies and regulations as needed to implement the federal GHG reporting and tailoring rules.	Policies and/or regulations developed to allow state implementation of the federal GHG reporting and tailoring rules as necessary or directed by EPA.
	Issue Title V and PSD permits for GHG as provided in tailoring rule.	Ongoing
	Monitor and evaluate reduction strategies.	Ongoing
	Monitor legislative activity locally and nationally.	Ongoing
	Continue to coordinate with efforts to implement Governor's Climate Change Initiative and greening Government Executive Order	Ongoing
	Continue to coordinate with efforts to implement Governor's Climate Action Plan.	Ongoing
2.7 Reduce mercury pollution through Colorado Mercury Initiative cross-media programs	CDPHE Strategic Programming process (see discussion in Chapter 2 of PPA). Assist the Water Division development of Mercury TMDLs and ongoing assessment of emissions and deposition.	Ongoing

### **APCD Goal 3: Achieve a level of ambient air quality that protects and preserves standards for visibility and aesthetic concerns for pollutants that cause odors**

APCD Sub-goals include:

- Improve Urban Visibility (Denver AIR Program Area and Fort Collins) – Ensure a decrease in the number of days the Colorado Visibility Standard is exceeded in the areas of applicability
- Reduce Regional Haze (for National Parks and Class I Wilderness areas) – Ensure natural background visibility conditions in all Mandatory Class I Areas by 2064 through the development and implementation of the Colorado Regional Haze SIP
- Control Odors

### **EPA 2011-2015 EPA Strategic Plan Goal 1: Taking Action on Climate Change and Improving Air Quality -- Objective 1.2 Improve Air Quality**

<b>Program objective</b>	<b>Activity</b>	<b>Milestone/Measure</b>
3.1 Reduce pollutants causing haze through the operation of mobile source strategies: Reg. No. 11 – A.I.R. Program Reg. No 12 – Diesel Inspection Smoking vehicles Clean fuels	Described earlier in work plan.	Described earlier  Contributed to CDOT/Colorado Energy Office's "Energy Smart Transportation Committee" efforts to promote clean fuels and vehicles, such as CNG and electric vehicles.
3.2 Reduce pollutants causing haze through the operation of the stationary sources program objectives Operation of Construction and Operating Permit Programs Small Business Assistance Program Compliance monitoring and enforcement of stationary sources Wood burning Control Program – High Pollution Advisory Program and state and local woodstove regulations	Described earlier in work plan.	Described earlier

Program objective	Activity	Milestone/Measure
3.3 Support reduction of haze-causing pollutants through regulation updates	Described earlier in work plan.	Described earlier
3.4 Track program indicators through urban haze monitoring, inventories and modeling	Operate visibility monitoring network in Denver and Fort Collins (transmissometers, nephelometers and Denver web camera).	Ongoing
	Air quality "Action Day" forecasts year-round	Ongoing
	Conduct sample speciation and chemical mass balance modeling	Ongoing Supports exceptional event technical documents.
	Perform daily, weekly, monthly, quarterly, and semi-annual inspections, cleaning, and preventive maintenance per SOP schedules. Perform manual bi-weekly precision tests.	Ongoing
	Operate and maintain gaseous/continuous sites statewide.	Ongoing
	Operate and maintain particulate monitoring sites statewide.	Ongoing
	Operate and maintain Meteorological Monitoring Equipment .	Ongoing
	Air Quality Forecasting and Air Quality Index (AQI) Reporting on a daily basis.	Ongoing
3.5 Implement the Colorado Regional Haze SIP	Develop SIP strategic plan to coordinate, to the extent allowed, planning efforts for ozone and Regional Haze.	Ongoing
3.6 Support Class I Attributable Visibility Impairment Visibility SIP	Assemble and analyze IMPROVE monitoring data using statistical methods such as factor analysis, trajectory models, and chemical mass balance models. Develop computer programs to assist with processing of improve data for analysis.	Ongoing, as needed.
	Provide technical assistance to various visibility workgroups as requested.	Ongoing
	Continue to work resolve certification issues.	Ongoing
	Three-year review of federal land manager activities as required by SB 17 developed.	Ongoing
	Participate in SIP calls.	Ongoing
3.7 AQRV monitoring for Mt. Zirkel	Maintain close coordination with the USFS, EPA, and USGS.	Ongoing
	Maintain ongoing communication with stakeholders and the public.	Ongoing
	Support of snowpack and lake sampling in the Zirkel area through annual contract with USGS.	Ongoing.

<b>Program objective</b>	<b>Activity</b>	<b>Milestone/Measure</b>
3.8 Continue implementation of effective fire and smoke management and prescribed fire program	Develop and revise, as needed, Wildfire Response Plan and Protocol. During wildfire events and large prescribed fires, assist land managers in conducting PM monitoring. Coordinate with public information officer and meteorologist.	Ongoing
	Participate in the Front Range Fuels Partnership as appropriate.	Ongoing
	Work with local communities and partnerships to address wildland fuels treatment as needed.	Ongoing
	Coordinate with Federal agencies and private entities conducting visibility, lake chemistry and acid deposition monitoring and research in Colorado. Agencies and contractors, to varying degrees, are also involved in AQRV model development.	Ongoing
3.9 Track program effectiveness indicators through haze monitoring, inventories and modeling	Perform audits of IMPROVE samplers.	Ongoing

## 5.1 Mission

The Water Quality Control Division (Water Division) has the challenging and legally mandated responsibility of maintaining, restoring and improving the quality of the state's waters and assuring that safe drinking water is provided from public water systems for the people of the state. In short, the Division's mission is to ensure that the state's waters attain and maintain that level of water quality necessary to protect designated beneficial uses and that all public water systems consistently provide safe drinking water. In order to meet these responsibilities, Water Division staff implement delegated programs authorized by the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), and Colorado statutes.

The Water Quality Control Division has developed a Strategic Plan for 2011-2015 outlining the Division's mission, vision, values and strategic goals. The Drinking Water and Clean Water Programs have also developed work/action plans that clearly align the efforts of staff with the goals of the Strategic Plan. The strategic plan will be adjusted, as necessary, to reflect the Department's strategic priorities and the Division's strategic plan. The two agencies have also agreed on a work sharing arrangement to begin to address joint priorities. The Division will collect data to quantify progress towards achieving targeted results. The Division continues to pursue resources to enhance its ability to meet goals and discussions with stakeholders to gain support for a fee increase to provide additional FTE. The Division continues to refine its inspection planning process to address a wider spectrum of discharging facilities.

## 5.2 Clean Water Act Program

A complete Clean Water Program consists of the following strategic functional elements: ambient water quality monitoring; water quality assessment; standards development (e.g. providing scientific support for adoption of standards and other control regulations by the Water Quality Control Commission); water quality management planning and Total Maximum Daily Load (TMDL) development; control mechanisms (including permitting, facility siting approval), engineering plan review and approval; compliance assistance (including facility planning and financial assistance); compliance assurance (including evaluation of self reported data, compliance sampling inspections, facility inspections and enforcement); and water quality restoration and enhancement efforts.

Environmental conditions, discussed in Chapter 1 of previous years PPAs, are now addressed within each Division's specific chapter. The water quality environmental conditions are based on data compiled for the 2012 Integrated Report, approximately 64,000 river miles met the federal Clean Water Act "swimmable" goal, and over 54,000 river miles met the Act's "fishable" goal. Of the river miles assessed, 2,000 miles did not meet the "swimmable" goal and about 11,000 miles did not meet the "fishable" goal. For lakes a total of 73,000 acres met the "fishable" goal, with 127,000 acres meeting the "swimmable" goal. Approximately 70,000 lake acres failed to achieve the "fishable" goal and 3,700 acres did not meet the "swimmable" goal.

Potential public health problems of concern to the Colorado Clean Water Program include: chemical and pathogenic contamination of source waters used for public water supplies and gastrointestinal illnesses and other health problems (e.g., dermatitis, eye infections) that may result from water-based recreation in waters where standards are not attained.

Environmental problems of concern in surface waters include waters listed as impaired for pollutants, principally those listed for: metals, that are largely located in areas of historic but largely abandoned mining activity; selenium in the Colorado and Arkansas River Basins; dredge and fill activities that could impair aquatic habitat; and non-point source runoff that may adversely impact in-stream uses. There continue to be concerns over the impact of water quality on aquatic habitat conditions in the Lower South Platte, Arkansas and Colorado Rivers and over the decline of Colorado native fishes in certain identified segments.

Ground water quality in Colorado ranges from excellent in mountain areas where snowfall is heavy and development is sparse to poor in certain alluvial aquifers of major rivers where surface and ground water are used and reused. Shallow, unconfined aquifers in Colorado are susceptible to contamination from surface activities. Many have become contaminated, especially with nitrates and salts, from agricultural activities and from urban development, particularly along the South Platte downstream from Denver. Rapid development in mountainous areas located on top of fractured crystalline rock and in alluvial valleys has increased the threat of high levels of nitrates and pathogens in ground water from the use of individual septic disposal systems. Deeper bedrock aquifers tend to show higher levels of natural constituents but lower levels of surface contaminants, especially if the aquifers are confined.

## 5.3 Safe Drinking Water Act Program

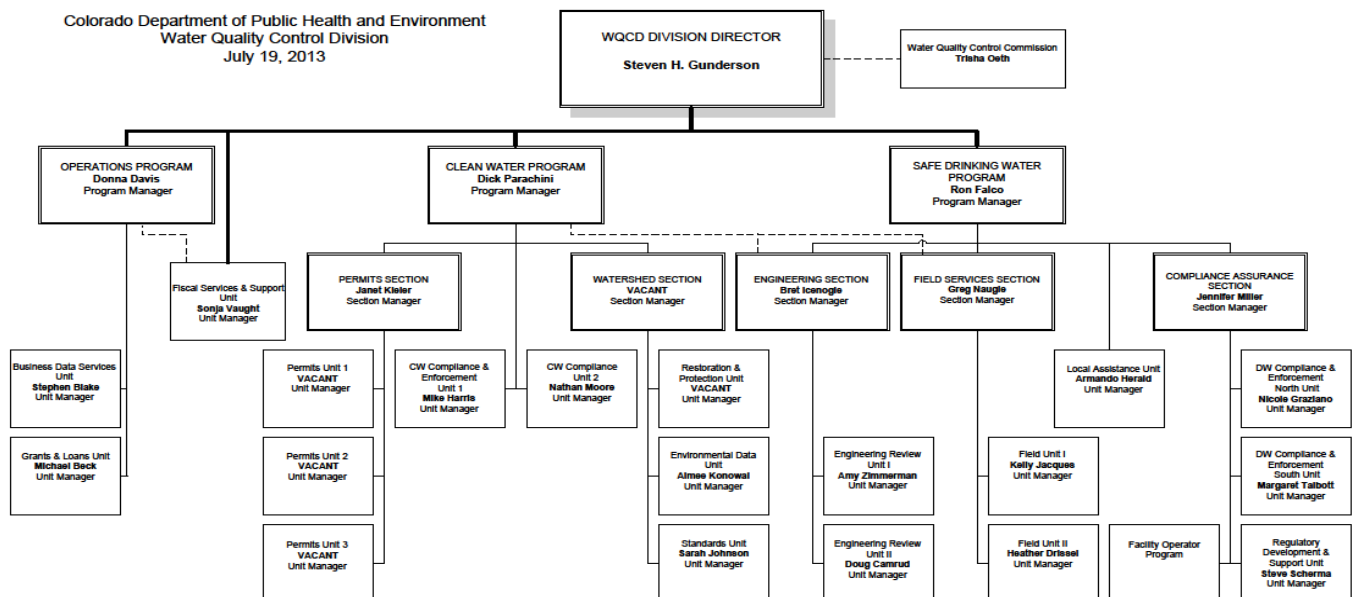
Drinking Water Program strategic functional elements include: source water protection; regulatory development (i.e., developing treatment standards and performance requirements for public water systems for adoption by the Water Quality Control Commission); control mechanisms (i.e., ensuring public water systems comply with promulgated treatment standards); data management; compliance assistance (including engineering plan review, sanitary surveys, capacity development, technical assistance and financial assistance); compliance assurance including compliance surveillance monitoring and compliance inspections (i.e., sanitary survey follow-up); and formal enforcement using civil or criminal authorities as appropriate.

Drinking Water related environmental conditions, discussed in Chapter 1 of previous years PPA, are now addressed within each Division's specific chapter. There are approximately 2,030 active public water systems operating in Colorado. Typically, 6% of public water systems in Colorado are in violation of health-based regulations each year, affecting about 3 to 5% of the population served. Typically, about 450 systems fail to monitor and/or report for one or more contaminant as required by the *Colorado Primary Drinking Water Regulations*. The number of systems that fail to monitor and/or report each year has risen as new monitoring requirements are established. Monitoring results reported by public water systems indicate that the most common contaminants causing health-based violations of drinking water regulations in Colorado are: radionuclides, microbiological as measured by total coliform, surface water treatment rules, disinfection by-products, nitrate, fluoride and arsenic, while the most common violation in general is failure to monitor/report. Surface water, including groundwater-under-the-influence-of-surface water, is used by 27% of Colorado public water systems and provides drinking water to 90% of the population served. Ground water is used by 73% of the water systems but provides drinking water to only about 10% of the population served. In some localities, ground water is the sole source of drinking water. From an environmental standpoint, disposal of contaminated residuals from water treatment facilities, particularly for those removing radionuclides, is an emerging concern.

## 5.4 Water Quality Control Division – Organizational Structure

The Water Quality Control Division, in total, consists of the following organizational units, which address all of the above strategic functional elements of water quality management under authority of the CWA and the provision of safe drinking water under the authority of the SDWA. Figure 5.1 shows the Water Division's current organizational chart.

Figure 5.1





## **5.5 Water Quality Control Division Challenges**

### **5.5.1 The Regulated Community**

The size of the regulated community for which the Water Quality Control Division is responsible is daunting. For example, there are over 100,000 stream miles in the state with designated water uses and standards assigned to them. The Division has issued over 2400 water discharge permits to municipalities and industries and approximately 5000 stormwater permits. There are nearly 2040 active public drinking water systems in Colorado, with 5% of these systems serving 80% of the population. Colorado has drinking water systems and wastewater treatment systems in parts of the state where they didn't exist a generation ago. In addition, new federal requirements, both with respect to the Clean Water Act and Safe Drinking Water Act, have imposed challenges on both the Division and its regulated community. Small communities with resource limitations present especially difficult challenges meeting these requirements.

#### **How Does the Division Address These Challenges?**

- Compliance Assistance. The Division helps dischargers and water systems by answering regulatory and technical questions, conducting training, etc.
- With respect to dischargers, there are a variety of regulatory processes that can provide time to comply, including Temporary Modifications to standards and compliance schedules in permits.
- Enforcement when necessary.
- Dischargers can seek site-specific standards based on local conditions.
- Low Interest and Zero Interest Loans through the Division's partner agency the Colorado Water Resources and Power Development Authority.
- Source Water Protection. Colorado is blessed by being the headwaters for most of the nation. As development occurs at higher elevation and elsewhere in the state, efforts in communities, with the help of the Division to protect the watershed of drinking water systems is being accelerated.
- Water Quality Improvement Fund. State House Bill 06-1337 established a fund for addressing various water quality issues, including providing grants for stormwater projects, designing, construction, or upgrades of domestic wastewater treatment plants, and non-point source projects. The Fund consists of penalties collected as a result of violations in accordance with the Colorado Water Quality Control Act. This fund is appropriated only \$717,000 per year by the State Legislature. HB13-1191 provided a one-time source of funding within the Water Quality Improvement Fund to provide funds to assist the phase one publicly owned wastewater treatment facilities with costs associated with planning, design, construction or improvements for complying with the Nutrients Management Control Regulation #85.

### **5.5.2 Resource Needs for the Division**

State Senate Bill 03-276 required that the Division consult with the WQCC, BOH and interested parties in addressing a list of identified questions that addressed implementation of the Clean Water Act and Safe Drinking Water Act at the State level. After an extensive outreach and stakeholder process, the Division issued the SB 276 Report, which answered the identified questions and also projected a resource gap between the Division's available staffing and resources at the time and what was needed to fulfill that gap in demand. In the 2006 and 2007 legislative sessions, the legislature provided a total of 22 FTE (10 drinking water, 12 clean water) using a combination of fee and general funds. Since 2008 the Division has provided an annual report to the General Assembly that provides an estimate of resource needs. During the 2013 legislative session the General Assembly provided the Division with an additional 16 general funded positions. The majority of these positions will be in our Clean Water Program. The remaining 2.5 positions will be allotted to the Drinking Water and Operations Programs.

## 5.6 Water Quality Control Division - FY 2014 Workplan

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.0 Ambient Water Quality Monitoring - Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
1.1 Monitor chemical, physical and biological conditions of all state surface waters so that water quality decisions are well supported with adequate data. (Watershed Section Multi-Year Priority)	1.1.1 Conduct monitoring for all basins to support triennial reviews, preparation of the Integrated Report, and evaluations of PS/NPS infrastructure investment effectiveness in targeted water bodies.	1.1.1.1 Chemical data will be managed in local EQuIS, for use in basin-wide assessments.
	1.1.2 Pursue and continue development of a statewide ambient ground water monitoring plan.	1.1.2.1 Continue to sample ambient ground water.
		1.1.2.2 Participate in GWPC.
		1.1.2.3 Assess and coordinate regarding ground water quality and associated issues with other state agencies.
1.2 Development and Implementation of a Comprehensive Monitoring Strategy.		
1.2.1 Number of states and territories that have adopted and are implementing their monitoring strategies [The 10 Elements] in keeping with established schedules	1.2.1.1 a) Continue implementing Colorado’s Water Quality Monitoring and Assessment Strategy (The 10 Elements) 2004-2014. b) Develop a Draft Colorado’s Water Quality Monitoring and Assessment Strategy (The 10 Elements) 2015-2025. c) Develop annual feedback loop with EPA R8 to report/discuss progress of The 10 Elements implementation.	1.2.1.1.1 a) Enhanced annual monitoring plan fully developed by June 30 each year. b) Annual feedback loop with EPA R8 [on The 10 Elements] in place by mid-year update. c) Electronic data flow improvement between WQCD, LSD (lab), and EQuIS ongoing. d) Upload state water quality data into national STORET warehouse annually by September 30.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.2.2 Develop categorical grant application and work plan for the SFY14 Monitoring Initiative to advance specific portions of The 10 Elements strategy. Coordinate with EPA staff to develop categorical grant application for the SFY14 Monitoring Initiative.	1.2.2.1 a) Implement the detailed Monitoring Initiative work plan. b) Additional laboratory analyses of stream and reservoir water samples to expand scope of chemical and biological data. c) Review National Lake Assessment Data from the National Lake Assessment Probabilistic Survey. d) Request In Kind services for Monitoring Initiative Grant for National Rivers and Streams Probabilistic Survey. e) Development of a state-scale rivers/streams probability-based assessment (based on NRSA 2008-2009 data).	1.2.2.1.1 a) SFY13 Monitoring Initiative tasks completed by Sept 30, 2014. b) SFY13 Monitoring Initiative tasks completed by Sept 30, 2014. c) Summarize results in 2016 Integrated Report. d) Work plan and application for FFY14 Monitoring Initiative in Fall / Winter - 2013. e) Draft state-scale rivers/streams probability-based assessment (based on NRSA 2008-2009 data). Final to be included in the 2016 Integrated Report.
1.2.3 Assist in developing a comprehensive statewide wetland program strategy.	1.2.3.1 Participate in the development a comprehensive statewide wetland program strategy with EPA and the other state "implementing agencies".	1.2.3.1.1 Follow-up meetings scheduled by EPA such that roles and responsibilities of the various state and federal agencies are clarified.
2.0 Water Quality Assessment and Standards Development – Assess quality of state waters to support decision-making.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
2.1 Assess Whether Fish are Safe to Eat		
2.1.1 Percentage of lake acres & river miles where fish tissue will be assessed to support water body-specific or regional consumption advisories, or a determination that no consumption advice is necessary. ( FY14 FS-1a and 1b) (Watershed Section Multi-Year Priority)	2.1.1.1 To monitor and assess fish tissue data for mercury, (and where relevant selenium and arsenic) from 7 water bodies (reservoirs, lakes and rivers).	2.1.1.1.1 a) Issue or rescind FCAs where appropriate. b) Update on National List of Fish Advisories. c) Develop and implement statewide fish consumption guidelines.
2.2 Assess Quality of State Waters to Support Decision Making and Document Changes Over Time		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.1 Improve water quality conditions in impaired watershed nationwide using the watershed approach. (cumulative) (FY14 WQ-SP10.N11, WQ-SP11,WQ-SP12.N11, WQ-10)	2.2.1.1 a) River, stream and lake segmentation will be available in a GIS environment. b) Determine the distribution of water quality standards impairment by watershed. c) Information from the 303(d) and M&E Lists will be managed in a database that can be linked to GIS information. d) Identify 10 or 12-digit HUC watersheds where improvements have been demonstrated.	2.2.1.1.1 a) Draft GIS layers with WQCC regulations segments. b) Draft GIS layer with impaired segments information. c) Maintain linkage between database for 303(d) and M&E List Information and reach indexed NHD coverage. d) FY14 – 1 watershed.
2.2.2 Number of water bodies identified in 1998 as not attaining standards where water quality standards are fully attained. (21,632 water bodies; 255,408 miles and 6.8 million acres) (FY14 SP-10).	2.2.2.1 Document water quality improvement over time.	2.2.2.1.1 Using the tools developed in Activity 2.2.1; continue tracking how many of the impaired segments from the 1998 303(d) list are fully attaining water quality standards as of 4/1/12.
2.2.3 Number of States, Interstate Agencies, and Territories that provide comprehensive integrated assessments of the condition of their waters consistent with sections 305(b) and 303(d) of the Clean Water Act and EPA's integrated assessment guidance. (Watershed Section Multi-Year Priority)	2.2.3.1 Provide consistent and accurate assessment of the State's surface waters and provide the information to EPA and the Public.	2.2.3.1.1 Develop Colorado's 2014/2016 Section 303(d) Listing Methodology in an open and public process.
		2.2.3.1.2 Begin to prepare data to support the development of the 2014/2016 Integrated Report.
	2.2.3.2 Begin to prepare data to support the development of the 2014/2016 Integrated Report.	
2.2.4 Utilize Assessment Database (ADB) and GIS to record monitoring and assessment decisions (FY14 WQ-7).	2.2.4.1 Continue to update ADB and associated GIS coverages with assessment data.	2.2.4.1.1 Updated ADB and GIS by 4/1/16 as submitted in 2014/2016 Integrated Report.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.2.5 Number of water bodies identified by States (in 1998/2000 or subsequent years) as being primarily nonpoint source (NPS)-impaired that are partially or fully restored. (cumulative) (Watershed Section Multi-Year Priority FY14 WQ-10)	2.2.5.1 a) Develop the ability to track impairment by source as well as pollutant. b) Identify candidate water bodies and document successes based on the 1998 303(d) list and subsequent 305(b) or integrated reports and complete nonpoint source projects. c) Determine improving water quality and progress towards attaining applicable water quality standards and classifications.	2.2.5.1.1 a) Using the tools developed in Activity 2.2.1, continue to determine the number of water bodies that are being impaired by nonpoint sources. b) Submit a minimum of one draft success story for EPA consideration in FY2013 based on the 1998 or later 303(d) list. c) FY14 – 1 Watershed.
2.3 Water Quality Criteria and Standards Development		
2.3.1 Number of States & authorized Tribes that have completed a review of water quality standards within three years of the previous triennial review under Section 303(c) of the CWA (FY09 WQ 3a; FY10 WQ-3a), that reflect new scientific information from EPA or other resources not considered in the previous standards (FY13 WQ-031) and percent of State and Territorial WQS submissions that are approved by EPA (FY14 WQ-04a).	2.3.1.1 Continually review water quality standards and revise them if necessary in accordance with State and Federal statute and Water Quality Control Commission schedule.	2.3.1.1.1 a) Scoping Hearing Reg #38: 10/2013. b) Formulation Hearing Reg #33 & #33: 11/2013. c) Rulemaking Hearing All Regs (Temp Mods): 12/2013. d) Rulemaking Reg #33 & #37:6/2014. e) Prepare notice for Temp Mods rulemaking (by 8/1/2014).
2.3.2 Number of numeric water quality standards for total nitrogen and for total phosphorus adopted by States and Territories and approved by EPA, or promulgated by EPA, for all waters within the State or Territory for each of the following water body types: lakes/reservoirs, rivers/streams, and estuaries. (cumulative, out of a universe of 280) (FY14 WQ-01a) (Watershed Section 2010-11 Priority)	2.3.2.1 Continue to implement the Nutrient Criteria Development Plan for Colorado, September 26, 2002, Colorado Department of Public Health & Environment, or any revisions to this plan.	2.3.2.1.1 a) Provide work products on the tasks identified in milestone schedule and number of applicable standards actions.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
2.3.3 Number of states making strong progress toward reducing nitrogen and phosphorus pollution by setting priorities on a watershed or state-wide basis, establishing nutrient reduction targets, and continuing to make progress (and provided performance milestone information to EPA) on adoption of numeric nutrient criteria for at least one class of waters by no later than 2016 (cumulative).	2.3.3.1 Continue to implement the Nutrient Criteria Development Plan for Colorado, September 26, 2002, Colorado Department of Public Health & Environment, or any revisions to this plan.	2.3.3.1.1 a) Provide work products on the tasks identified in milestone schedule and number of applicable standards actions.
3.0 Water Quality Management Planning and TMDL Development – Assure that the watershed approach becomes an effective organizing principle for improving water quality.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
3.1 Support the development and implementation of watershed restoration plans.		
3.1.1 Continue development and implementation of the Statewide Water Quality Management Plan. Continue to integrate updated 604(b) work plans with designated regional water quality planning agencies to support the watershed approach. (Watershed Section 2013-2014 Priority)	3.1.1.1 Support coordinated regional water quality planning and integrate those efforts with the ongoing work in the four designated COG areas.	3.1.1.1.1 Submittal of annual grant application and agency work plans to EPA for approval. Execution of purchase orders or contracts with planning agencies.
3.1.2 Number of water segments known to be impaired or threatened based on Colorado 1998 303(d) list for which State and EPA agree that the water body is fully restored, partially restored, or initial restoration planning is complete (FY14 – SP10, SP-11).	3.1.2.1 Continued completion of restoration planning and implementation to improve water quality in water bodies not attaining water quality standards.	3.1.2.1.1 a) Targeted number of water segments fully restored in FY13 (SP-10); 1. b) Targeted number of water quality impairments restored in FY13 (SP-11); 1.
3.1.3 Improve water quality conditions in impaired watersheds nationwide using the watershed approach (cumulative) (FY13 WQ-SP12.N11 ).	3.1.3.1 Identify 10 or 12-digit HUC watersheds where improvements have been demonstrated.	3.1.3.1.1 FY14 - 1 watershed with an existing TMDL.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
3.1.4 Number and national percent of TMDLs that are developed by States and approved by EPA on a schedule consistent with national policy (FY11 WQ-8a & 8b; FY12 WQ-8b).	3.1.4.1 Continue to develop TMDLs for Colorado's impaired waters in accordance with EPA guidance and State policy.	3.1.4.1.1 Submit 20 TMDLs for approval by EPA.
3.1.5 Participate in formulating a new 303(d) program long term vision with defined goals and implementation plans.	3.1.5.1 Support the vision concept and develop a draft plan that outlines a comprehensive, integrated, and iterative approach to achieving, measuring, and communicating water quality improvements.	3.1.5.1.1 a) Identify primary contact for developing vision plan. b) Primary contacts will lead discussions to outline key people and vision milestones for FY14. c) Participate in teleconference call with EPA to discuss vision plan and milestones for FY14.
<b>4.0 PERMITTING PROGRAM -</b>		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America's Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
4.1 Complete a comprehensive assessment of NPDES program integrity and, as appropriate, establish an implementation schedule.	4.1.1 Continue to implement action items identified from EPA Region 8's 2007 State Audit, and EPA HQ 2010 Permit Quality Review.	4.1.1.1 In accordance with WQ-11: the Division will provide information in the State End-of-Year report on the number of follow up actions completed as result of a comprehensive assessment of NPDES program integrity.
		4.1.1.2 For all domestic and industrial entities (including select stormwater sector permits) with NPDES permits, enter permit facility data, permit event data and inspection data, including SSO Inspections, into ICIS. The Division commits to re enter permit facility data, permit event data and inspection data, including SSO Inspections, into ICIS for existing permitted facilities as the permits are renewed and for new facilities as the permits are issued.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.2 Continue to address concerns regarding EPA’s 2003 Permitting for Environmental Results strategy.	4.2.1 Achieve environmental results by maintaining a 90% overall CDPS permit issuance rate.	<p>4.2.1.1 In accordance with WQ-12a: the Division will provide information in the State End-of-Year report on the percentage of all non-tribal NPDES permits that are considered current (excluding stormwater general permit certifications). The Division will update EPA’s Permit Management Oversight System (PMOS) for non-stormwater general permits. EPA will use ICIS information for individual permit counts.</p> <p>The Division commits to 80% current at the end of FY14, based on EPA’s rules of permits included in the backlog count and the 180-day grace period. The estimated number of current permits is 1261 of a universe of 1580. The State measure includes the same permits in the backlog measure but does not include the 180-day grace period and the Division projects 77% current based on the state measure. The estimated number of current permits is 1226 of a universe of 1580. If the percent current is less than 70% per the EPA measure, Colorado will provide an overall permit issuance/backlog reduction plan showing how the state will expeditiously reduce the backlog. The Division recognizes that the 80% commitment is not consistent with the national goal of 90% and will continue to work toward addressing the issues that prevent the Division from being able to sustain a commitment of 90% current.</p>
	4.2.2 Achieve environmental results though the timely issuance of high priority permits.	4.2.2.1 In accordance with WQ-19a: The Division will enter a high priority permit commitment in EPA’s PMOS database. The Division will submit the number of priority permits by September 30, 2013. The Division will develop the list and update EPA on the status of these permits through EPA’s PMOS database.
4.3 Report on the number of facilities covered by an individual or general permit.	4.3.1 The following categories (reported separately). 13a: Number of MS4s; 13b: Number of industrial stormwater facilities; 13c: Number of construction stormwater facilities; and 13d: Number of CAFOs.  Ensure that data that is not maintained in ICIS are available to EPA.	4.3.1.1 In accordance with WQ-13a-d: The Division will report on these permit numbers through EPA’s PMOS database for permits not included in ICIS. The Division is actively working to include industrial stormwater (non-construction) permits into ICIS.
		4.3.1.2 CDPHE will provide EPA with an electronic copy of the stormwater permit tracking system by March 31, 2014 and September 30, 2014, or until stormwater permits are entered into ICIS. Quarterly, until stormwater permits data are entered into ICIS, provide EPA with a current number of industrial and construction stormwater permits. (October 15, 2013, January 15, 2014, April 15, 2014 and July 15, 2014.)
4.9 Pursue delegation of federal authority to implement the Biosolids and Pretreatment programs in Colorado.		



Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
4.10 Conduct a Biosolids Management Program, which implements the requirements of the Colorado Biosolids Regulations, while not duplicating EPA programmatic efforts.	4.10.1 Colorado continues to indicate in the fact sheet for sewage system permits that generators must be covered under the general permit from EPA. No biosolids language is included in sewage system permits since it is expected that they have separate permit coverage from EPA. Colorado continues to implement the state program that regulates land application of biosolids, a program that is consistent with the federal biosolids land application requirements.	4.10.1.1 Continue to implement the state biosolids land application regulation in and coordinate with EPA to avoid duplication of efforts.
	4.10.2 Pursue delegation of the Biosolids Program from EPA.	4.10. 2.1 Report in the State End-of-Year Report on progress of obtaining Biosolids Program delegation.
4.11 Conduct an Industrial Pretreatment Program that implements the requirements of the Colorado Pretreatment Regulations while not duplicating EPA programmatic efforts.	4.11.1 As Colorado is not delegated for the pretreatment program, EPA is the lead authority on measure WQ-14a, which is number and percent of Significant Industrial Users (SIUs) in POTWs with pretreatment programs that have control measures in place.	4.11.1.1 As Colorado has a state pretreatment program, Colorado actively works to permit SIUs in non-pretreatment POTWs and coordinates this effort with EPA. (WQ-14b)
		In FY14 Colorado and EPA will work collaboratively to complete Standard Operating Procedures which identify the roles and responsibilities for effective implementation of the industrial pretreatment permit language, inspection coordination, and enforcement process between the two agencies.
		EPA will provide Pretreatment language for approved and non-approved programs to CDPHE for incorporation into the State-issued NPDES permits.
		During FY14 the Division will be working collaboratively with EPA (who is the pretreatment authority in CO) to make progress on getting pretreatment influent and effluent sampling data into ICIS.
		4.11.1.2 Report in the State End-of-Year Report on progress of obtaining Pretreatment Program delegation.
5.0 Compliance Assurance (for pollution control facilities) - In support of the Clean Water Action Plan, EPA Region 8 and Colorado will collaborate to identify priorities for compliance and enforcement resources to ensure that the largest threats to water quality are prevented and/or addressed.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5.1 Conduct inspections of and/or monitor self-reported data submitted by, the state's CDPS discharges to positively determine the compliance status of regulated facilities and activities.	<p>5.1.1 Conduct NPDES inspections described in the inspection plan for the period of October 1-September 30 of each year. Complete inspection reports and enter into ICIS database by December 15th of each year for permit types included in ICIS. Submit draft inspection plan that includes the CDPHE inspection commitments for the coming federal fiscal year (October 1-September 30) by September 1st and finalize the plan within 15 days of receiving EPA comments. Colorado will identify and formally track violations that cause or threaten water quality impacts detected during process water inspections to gain compliance. The state inspection plan provides target projections and/or lists of specific facilities to be inspected for each media program.</p> <p>Colorado and EPA Region 8 may participate in a number of joint/oversight inspections at regulated facilities during the inspection year. EPA will contact the state to schedule joint inspections at facilities identified in the Division's inspection plan.</p>	<p>5.1.1.1 Report to EPA in the State End-of-Year Report the number of each of the following inspections:</p> <ul style="list-style-type: none"> <li>- Majors,</li> <li>- Minors,</li> <li>- SSOs,</li> <li>- construction stormwater,</li> <li>- industrial stormwater,</li> <li>- MS4,</li> <li>- Pretreatment industrial users,</li> <li>- Biosolids facilities,</li> <li>- Biosolids land application sites,</li> <li>- Pesticides.</li> </ul> <p>Also, provide the status summary of inspection follow-up activities in the End of Year Report.</p>
	5.1.2 The EPA has completed a compliance assessment of 75% of Phase I MS4 permittees (4 out of 5). All Phase I MS4 issues will be addressed by FY16.	5.1.2.1 EPA Region 8 or Colorado will continue to discuss the status of the addressing actions at their quarterly meetings.
	5.1.3 Continue to conduct the DMR Quality Assurance program.	5.1.3.1 Follow up on all significant problems with DMR QA and provide EPA with a summary of follow-up actions in the State End-of-Year Report.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	5.1.4 Assure proper implementation and consistent enforcement of whole effluent toxicity (WET) in CDPS permits.	<p>5.1.4.1 Submit as part of the State End-of-Year Report:</p> <p>a) A list of facilities who entered into a TIE or TRE in FY14.</p> <p>b) A list of any formal enforcement actions taken in FY14 that included WET violations.</p> <p>Also, ensure facilities with WET effluent limits and WET monitoring are up-to-date in ICIS.</p>
		5.1.4.2 Develop an Enforcement Response Guide for WET or incorporate WET enforcement response procedures into the existing Enforcement Management System. Submit as part of the State End-of-Year Report as status summary.
5.2 Continue to implement the Sanitary Sewer Overflow (SSO) Response Strategy until such time as the SSO regulations are finalized.	5.2.1 Colorado will continue to implement its SSO Response Strategy as modified for FY2014.	<p>5.2.1.1 Provide to EPA by October 15<sup>th</sup> of each year,</p> <p>a) an updated SSO inventory;</p> <p>b) the number of NPDES inspections targeted to evaluate SSO issues;</p> <p>c) the number and percent of SSO inspections in priority watersheds (i.e. 303(d) listed for E. coli) including the name of the priority watershed (beginning with the October 2013 report);</p> <p>d) the number and type of informal and formal enforcement actions taken in response to SSOs;</p> <p>e) the percent of enforcement actions in priority watersheds for SSOs (beginning with the October 2013 report); and</p> <p>f) a list of SSOs addressed.</p> <p>Copies of all SSO inspections and enforcement actions will be submitted to EPA.</p>
5.3 Compliance Assurance - Implement the federal and state laws, regulations and policies governing water quality in a timely, efficient and fair manner.		
5.3.1 Maintain a high overall compliance rate with applicable statutes and regulations.	5.3.1.1 Evaluate violations and determine an appropriate response as identified in Colorado's Enforcement Management System. Where violations cause or threaten water quality impacts, determine an appropriate response consistent with priorities established in the Clean Water Action Plan and associated work plan strategies that focus on achieving environmental outcomes.	5.3.1.1.1 Continue to implement the Enforcement Response Guide and Stormwater Compliance and Enforcement Strategy for construction stormwater.
		5.3.1.1.2 Continue to implement and update as necessary the State's CAFO compliance and enforcement strategy and Enforcement Response Guide.

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		5.3.1.1.3 Quarterly during the fiscal year, the Division will provide a response to the Quarterly Non-Compliance Report (QNCR). Include an explanation of what the Division is doing to respond to the facilities in Significant Non Compliance (SNC) on the QNCR and report the number of SNC facilities on impaired waters.
		5.3.1.1.4 On a quarterly basis complete the electronic explanation code sheets for the Watch List and forward to EPA Region 8. Discuss unaddressed facilities with EPA and coordinate with Region 8 on a plan to address these facilities.
		5.3.1.1.5 In the interest of conserving resources, Colorado agrees to EPA being the lead agency on all 404 enforcement actions that have associated CWA section 402 violations, except where EPA determines that combined cases may not be in the best interest of the litigation. Colorado will have the opportunity to join the 402/404 case if it is a judicial referral.
		<p>5.3.1.1.6 EPA will perform inspections in support of national enforcement initiatives and will provide the state with notice of the inspection in advance if possible. At the state's discretion, it may attend the inspection in an observer/consulting role. EPA will conduct inspection follow-up and enforcement for those facilities it inspects. The state will be given the opportunity to join any national case that includes violations discovered as a result of any EPA inspection in Colorado or, where no national case is filed, the state will be given the option of joining if the case is filed as a judicial referral.</p> <p>Where the state has joined EPA in a national referral case, the state will inspect sites targeted after any consent decree is final.</p> <p>EPA will keep CDPHE informed of the Energy Extraction National Enforcement Initiative and discuss implementation opportunities during quarterly meetings in FY14.</p>

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
5.3.2 Promote communication with EPA.	5.3.2.1 Facilitate EPA oversight.	5.3.2.1.1 Report to EPA: a) final settlement agreements; and b) a description of any SEPs included in the state enforcement actions concluded in the federal fiscal year.  Upon request, penalty calculations, including adjustments and BEN for state enforcement actions concluded during the fiscal year, will be made available to EPA at the state’s offices.
		5.3.2.1.2 Quarterly meetings between CDPHE and EPA will be held to discuss current and projected enforcement cases, inspection commitments, work conducted in priority areas and sectors, and any other items as necessary.
5.3.3 Develop and maintain comprehensive database.	5.3.3.1 Ensure that all data requirements in ICIS are being entered and maintained.	5.3.3.1.1 CDPHE will continue development of its Single Event Violation (SEV) business process in FY 14 in order to generally implement the EPA Wet Weather SNC Policy. CDPHE will complete this work in FY 14. CDPHE will provide updates to EPA regarding the SEV process during quarterly meetings. CDPHE will enter into ICIS, or otherwise report to EPA, single event violations related to formal SSO enforcement actions taken during FY14.
		5.3.3.1.2 Enter enforcement actions at CAFOs with NPDES permits into ICIS.
		5.3.3.1.3 CDPHE opts to maintain ICIS-NPDES and have data for the annual non-major facilities noncompliance report pulled by EPA in lieu of annual reporting.
6.0 Water Quality Restoration and Enhancement Efforts - Implement activities to improve water quality and attain water quality standards as affected by nonpoint source pollutants.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems		
6.1 Nonpoint Source Program Implementation - Assure that the Clean Water Act Section 319 funds address high priority projects consistent with the watershed approach.		

Water Quality Control Division Goals - Part I Clean Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
<p>6.1.1 Continue to provide funding for nonpoint source priority projects to identify solutions to nonpoint source pollution.</p> <p>(Section 319 – Funded FTE detail per new NPS Guidance:  Randal Ristau – 81%  Curtis Hartenstine – 67.26%  Tamara Allen – 45%  Bonie Pate – 70%  Lucia Machado – 100%</p> <p>Management oversight – 3 positions at 6.6%, 12.7%, and 25.36%  Fiscal Support – Division at 2.9% and Department at 3.3%  Measurable Results Project – 4 Positions: 1 at 5%, 1 at 20% and 2 at 30%. Remaining PPG is for laboratory analyses, sampling supplies and equipment, travel for field work, etc.)</p>	<p>6.1.1.1</p> <p>a) Identify watershed plans to be developed for high priority watersheds.  b) Prepare statewide project funding list for public hearing by the WQCC.  c) Submit project implementation plans for EPA Region 8 approval.  d) Assure projects meet all federal and state reporting requirements.  e) Report project specific progress into GRTS.  f) Utilize EPA State Grant Performance Measures template for service area specific requirements.  g) Continue development and implementation of MRP to address effectiveness monitoring of NPS projects.</p>	<p>6.1.1.1.1</p> <p>a) Encourage local entities to develop watershed plans in high priority watershed. Report number of plans or the number of requests for assistance generated by 6.1.2 on an annual basis.  b) Potential project sponsors and costs identified.  c) Site-specific project implementation plans developed where sponsors are identified.  d) Receive EPA Region 8 approvals.  e) Complete GRTS biannual updates.  f) Track and report on applicable performance measures.  g) For implementation projects, develop SAPP and monitoring plans to assess pre- and post-project water quality related data to document long-term effectiveness. In conjunction with the Environmental Data Unit, conduct pre- and post-project monitoring for select projects to document long-term success.</p>
6.1.2 Annual reduction in lbs/tons of nitrogen from nonpoint sources to water bodies. (FY13 WQ-9a)	6.1.2.1 Determine nonpoint source pollutant loading reduction for nitrogen.	6.1.2.1.1 Nitrogen – Report actual load reductions in GRTS as project-specific information. Request load reduction estimates from new projects.
6.1.3 Annual reduction in lbs/tons of phosphorus from nonpoint sources to water bodies. (FY13 WQ-9b)	6.1.3.1 Determine nonpoint source pollutant loading reduction for phosphorus.	6.1.3.1.1 Phosphorus – Report actual load reductions in GRTS as project-specific information. Request load reduction estimates from new projects.
6.1.4 Annual reduction in lbs/tons of sediment from nonpoint sources to water bodies. (FY11 WQ-9c; FY12 WQ-9c)	6.1.4.1 Determine nonpoint source pollutant loading reduction for sediment.	6.1.4.1.1 Sediments – Report actual load reductions in GRTS as project-specific information.
6.2 Federal Lands Consistency Reviews - Nonpoint Source Program coordination with public lands agencies.		
6.2.1 Assure that the Nonpoint Source and SWAP Programs coordinate with public land agencies regarding potential water quality impacts of land use decisions and implementation	6.2.1.1 Conduct federal consistency audits and arrangements with BLM and USFS.	6.2.1.1.1 Complete 2 USFS national forest or BLM district consistency audits and associated reports on protection or restoration of water quality standards and classifications.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
1.0 SDWA Regulatory Development - Adopt Primary Drinking Water Regulations to Maintain Primary Enforcement Authority.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.1 Protect Human Health		
1.1 Adopt regulations within statutory deadlines or EPA approved extension schedule.	1.1.1 Submit primacy applications or apply for extensions before statutory deadlines.	1.1.1.1 The State currently has primacy enforcement authority for all existing rules. However, the State is rewriting its drinking water regulations to update them, eliminate outdated requirements, and to improve their readability in accordance with the Governor’s initiative to improve efficiency and reduce unneeded regulations. As agreed upon during the last Workplan year, the state submitted its draft rewrite to EPA on May 15, 2013 to ensure that it is at least as stringent as the federal rules. Due to this rewrite reorganizing all of the drinking water regulations, EPA’s review has generated significant numbers of comments. EPA and the state commit to addressing comments and issues related to stringency. The state commits to maintaining and implementing regulations that are at least as stringent as the federal Safe Drinking Water Act. The State will communicate on other primacy issues as appropriate.
2.0 SDWA Control Mechanisms - Implement All Primary Drinking Water Regulations		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters		
2.1 Implement all primary Drinking Water Regulations for which Colorado has been delegated primary enforcement authority.	2.1.1 Report on the status of EPA-identified requirements of the surface water treatment rule.	2.1.1.1 By November 15, provide to EPA a list of all systems that are required to filter under the SWTR but are not yet filtering. Report the violations to SDWIS-FED. For systems on compliance schedules, provide the schedule from the enforcement document. If any system is not under a compliance schedule, provide a rationale and proposed action and time frame for securing compliance.
		2.1.1.2 In FY 2012 CDPHE developed new methods for making GWUDI determinations. By September 30, 2014, the CDPHE will provide EPA staff with new GWUDI determinations with the status of compliance with treatment requirements for each system.
3.0 SDWA Compliance Assistance - Assist Regulated Entities to Consistently Provide Safe Drinking Water.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.1 Protect Human Health Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		
3.1 Implement Source Water Assessment Program (SWAP) and Wellhead Protection Programs.	3.1.1 Acquire federal DWSRF set-aside funding for program implementation.	3.1.1.1 Submittal of Wellhead Protection and Capacity Development Set-Aside Work Plan Amendments to EPA Region 8 by September 30 as necessary.
	3.1.2 Assist public water systems in identifying potential sources of contamination and developing source water protection strategies.	3.1.2.1 Provide technical and programmatic assistance to public water systems and local interests implementing source water assessment and protection activities.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
	3.1.3 Implement coordinated program activities with Restoration and Protection Unit, Colorado Rural Water, and EPA Region 8.	3.1.3.1 Implement regular communication mechanism to insure coordination.
	3.1.4 Report program progress regarding program targets and actual completions.	3.1.4.1 Submit report to EPA identifying cumulative number of CWSs with a plan in place and substantial implementation of that plan and the population served by those CWSs by September 30.
3.2 Percent of community water systems where risk to public health is minimized by source water protection.	3.2.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.2.1.1 Report to EPA the number of source water areas with “minimized risk achieved by substantial implementation” of source water protection actions as determined by Colorado.
3.3 Percent of the population served by community water systems where the risk to public health is minimized through source water protection.	3.3.1 Reduce potential consumer exposure of community drinking water systems to various contaminants in raw water sources.	3.3.1.1 Report to EPA the population numbers served by community water systems where “minimized risk is achieved by substantial implementation” of source water protection actions, as determined by Colorado.
3.4 Eliminate sanitary defects at public water systems that could increase the risk that contaminated drinking water will be distributed to consumers.	3.4.1 Conduct sanitary surveys (eight part) at public water systems as required by Primary Drinking Water Regulations. Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers or those groundwater systems approved by the State to provide 4-log treatment of viruses). FY14 planning target 79%. Every five years for non-community systems. Complete reports within 90 days of conducting field work.	3.4.1.1 The State will enter into SDWIS/STATE, the most recent sanitary survey date completed in the last three (3) years for all Subpart H Community Water Systems which have received a survey consistent with the eight part requirements of 40 CFR 142.16(b)(3) by January 31.
		3.4.1.2 In accordance with 40 CFR 142.15(a)(5), the State shall submit to the Region 8 Drinking Water Unit a list of all Subpart H Systems that have had a Sanitary Survey meeting the eight part requirements of 40 CFR 142.16(b)(3) during the prior calendar year by the end of January. The State may meet its obligation for such a list by entering the completion date of each required Subpart H System survey into SDWIS/STATE. The State shall submit to the Region 8 Drinking Water Program an evaluation of its program for conducting Subpart H System Sanitary Surveys in accordance with 40 CFR 142.16(b)(3) during the prior calendar year as required by 40 CFR 142.15(a)(5) by February 15.



Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		<p>3.4.1.3 Provide in the end-of-year report the number of CWSs that have undergone a sanitary survey and, the number and percentage of systems not surveyed within required timeframes in each of the following categories:</p> <p>a) Community groundwater systems not surveyed in the last 3 years;</p> <p>b) Community surface water systems not surveyed in the last 3 years; and</p> <p>c) Non-community water systems not surveyed in the last 5 years.</p> <p>The goal is that there will be fewer than 10% of systems in a) and c) not surveyed within the required time frames, and the goal for b) will be 5%.</p>
3.5 During FY 12/13 Colorado will partner with EPA to implement UCMR 3.	3.5.1 Colorado will enter partnership agreement with EPA to implement UCMR 3.	3.5.1.1 Implement sampling and reporting for UCMR 3 parameters as discussed in the UCMR partnership agreement.
4.0 Compliance Assurance – Synthesize, coordinate and apply appropriate assistance tools, informal enforcement, formal enforcement and penalties to ensure timely correction of violations, and deterrence.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.1 Protect Human Health Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		
<p>4.1 Water Safe to Drink – Percent of population served by community water systems that receive drinking water that meets all applicable health based drinking water standards through approaches including effective treatment and source water protection. Regional target is 90%. Maintain a high overall compliance rate with all drinking water regulatory requirements.</p> <p>PAM 2.1 Protect human health by reducing exposure to contaminants in drinking water.</p>	<p>4.1.1 Monitor self-reported data submitted by the state's drinking water supplies, to ensure that reported data meet all existing federal and state requirements; ensure reported data are accurately entered into the state's data system; and that violations are determined and responded to. Measure State outcomes against National targets.</p>	4.1.1.1 Percent of community water systems that provide drinking water that meets all applicable health-based drinking water standards. Strategic target is 90%.
		4.1.1.2 Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through effective treatment and source water protection. Strategic target is 92%.
		4.1.1.3 Percent of “person-months” (i.e. all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards. Strategic target is 95%.
4.2 Take action to address those PWSs that are identified and confirmed to be enforcement targets.	4.2.1 Manage the quarterly ETT to identify planned actions and to inform EPA of past quarter’s accomplishments.	4.2.1.1 Annotate the quarterly Enforcement Targeting Tool (ETT) list created by the Enforcement Response Policy (ERP) by indicating the State actions planned for each identified priority ETT system, the projected time frame for such actions, and other relevant information that helps EPA evaluate candidates for federal enforcement. Return the annotated list to EPA within 30 calendar days of receipt.

Water Quality Control Division Goals – Part II Safe Drinking Water Act		
Short-term Goals	Objective(s)	Milestone(s) / Performance Measure(s)
		4.2.1.2 The CDPHE is evaluating the State’s existing Enforcement Escalation Policy and will provide EPA staff with an update on the status of the revision process by September 30, 2014.
		4.2.1.3 Address all priority ETT systems (through formal enforcement or appropriate return to compliance) within 6 months of their being identified as priorities, with the goal of taking action before systems reach the priority status. The date that the state receives the ETT from EPA is day zero (0) of the six-month timeliness period.
	4.2.2 Provide information to facilitate EPA oversight of all state formal enforcement actions.	4.2.2.1 Provide EPA with access to State PWS files and data for EPA’s oversight purposes at the State’s offices. Provide EPA a copy of all final settlement agreements, both administrative and judicial, upon issuance or EPA request. Copies of actions will be provided to EPA Region 8 in electronic format unless EPA requests a hard copy. Upon request make penalty calculations and supporting documentation available to EPA.
5.0 SDWA Data Management - Develop and Implement a State Drinking Water Program database that will accurately portray system capacity, compliance and enforcement information.		
EPA 2011 – 2015 Strategic Plan Goal 2: Protecting America’s Waters, Objective 2.1 Protect Human Health Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 2		
5.1 Maintain the Federal database.	5.1.1 State sanitary survey activities will be accurately recorded and reported to EPA.	5.1.1.1 The State commits to entering all sanitary surveys performed within 90 days of completion of field work in the previous inspection year into SDWIS/FED (by December 31 for inspections conducted in the previous FFY).
	5.1.2 Enter required data into regional and national data systems so that federally required data fields are timely, accurate, and complete pursuant to definitions, guidance, and policy	5.1.2.1 Upload all enforcement actions and applicable return-to-compliance codes into SDWIS at least quarterly.
		5.1.2.2 Ensure that all enforcement actions are linked to violations in SDWIS to avoid orphan exceptions, except for the approved orphan actions identified in guidance.

## 5.7 FY 2014 Region 8 / STATE Initial Target Setting for PPA Development

### FY 2013 NATIONAL WATER PROGRAM GUIDANCE MEASURES

G/O/S	FY 2013 ACS Code	FY 2013 Measure Text	FY 2014 Colorado Commitment	FY 2014 Region 8 (National if different) Program Measures
<b>Goal 2: Protecting America's Waters</b>				
<b>Subobjective 2.1.1 Water Safe to Drink</b>				
2.1.1	SDW-211	Percent of the population served by community water systems that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection.	92%	92%
2.1.1	SDW-SP1.N11	Percent of community water systems that meet all applicable health-based standards through approaches that include effective treatment and source water protection.	90%	90%
2.1.1	SDW-SP2	Percent of "person months" (i.e. all persons served by community water systems times 12 months) during which community water systems provide drinking water that meets all applicable health-based drinking water standards.	95%	95%
2.1.1	SDW-SP4a	Percent of community water systems where risk to public health is minimized through source water protection.	12%	35% (45%)
2.1.1	SDW-SP4b	Percent of the population served by community water systems where risk to public health is minimized through source water protection.	15%	35% (57%)
2.1.1	SDW-01a	Percent of community water systems (CWSs) that have undergone a sanitary survey within the past three years (five years for outstanding performers or those ground water systems approved by the primacy agency to provide 4 log treatment of viruses.).	95%	79%
2.1.1	SDW-15	Number and percent of small CWS and NTNCWS (<500, 501-3,300, 3,301-10,000) with repeat health based Nitrate/Nitrite, Stage 1 D/DBP, SWTR and TCR violations.		Indicator
2.1.1	SDW-17	Number and percent of schools and childcare centers that meet all health-based drinking water standards.		Indicator

<b>Subobjective 2.1.2 Fish and Shellfish Safe to Eat</b>				
2.1.2	FS-1a	Percent of river miles where fish tissue were assessed to support waterbody-specific or regional consumption advisories or a determination that no consumption advice is necessary. (Report every two years)		Indicator
2.1.2	FS-1b	Percent of lake acres where fish tissue were assessed to support waterbody-specific or regional consumption advisories or a determination that no consumption advice is necessary. (Report every two years)		Indicator
<b>Subobjective 2.1.3 Water Safe for Swimming</b>				
2.1.3	SS-1	Number and national percent, using a constant denominator, of Combined Sewer Overflow (CSO) permits with a schedule incorporated into an appropriate enforceable mechanism, including a permit or enforcement order, with specific dates and milestones, including a completion date consistent with Agency guidance, which requires: 1) Implementation of a Long Term Control Plan (LTCP) which will result in compliance with the technology and water quality-based requirements of the Clean Water Act; or 2) implementation of any other acceptable CSO control measures consistent with the 1994 CSO Control Policy; or 3) completion of separation after the baseline date. (cumulative)	N/A Colorado has no CSOs	1 (785 92%)
<b>Subobjective 2.2.1 Improve Water Quality on a Watershed Basis</b>				
2.2.1	WQ-SP10.N11	Number of waterbodies identified in 2002 as not attaining water quality standards where standards are now fully attained. (cumulative)	4 Section 2.2.2	376 (3927)
2.2.1	WQ-SP11	Remove the specific causes of waterbody impairment identified by states in 2002. (cumulative)	4 Section 2.2.2	798 (12,134)
2.2.1	WQ-SP12.N11	Improve water quality conditions in impaired watersheds nationwide using the watershed approach. (cumulative)	1 Section 3.1.3	49 (408)
2.2.1	WQ-SP13.N11	Ensure that the condition of the Nation's streams does not degrade (i.e., there is no statistically significant increase in the percent of streams rated "poor" and no statistically significant decrease in the streams rated "good").		Deferred 3
2.2.1	WQ-01a	Number of numeric water quality standards for total nitrogen and for total phosphorus adopted by states and territories and approved by EPA, or promulgated by EPA, for all waters within the state or territory for each of the following waterbody types: lakes/reservoirs, rivers/streams, and estuaries (cumulative, out of a universe of 280).	0 Section 2.3.2	NA (46)
2.2.1	WQ-26	Number of states and territories implementing nutrient reduction strategies by (1) setting priorities on a watershed or state-wide basis, (2) establishing nutrient reduction targets, and (3) continuing to make progress (and provide performance milestone information to EPA) on adoption of numeric nutrient criteria for at least one class of waters by no later than 2016. (cumulative)	EPA	.33 (27.67 )
2.2.1	WQ-03a	Number, and national percent, of States and Territories that within the preceding three year period, submitted new or revised water quality criteria acceptable to EPA that reflect new scientific information from EPA or other resources not considered in the previous standards.	1 Section 2.2.4	5 (37/66 .1%)
2.2.1	WQ-04a	Percentage of submissions of new or revised water quality standards from States and Territories that are approved by EPA.	EPA	79% (88%)
2.2.1	WQ-08a	Number, and national percent, of TMDLs that are established or approved by EPA [Total TMDLs] on a schedule consistent with national policy. Note: A TMDL is a technical plan for reducing pollutants in order to attain water quality standards. The terms 'approved' and 'established' refer to the completion and approval of the TMDL itself.	NA	150 (1541)

				(80%)
2.2.1	WQ-08b	Number, and national percent, of approved TMDLs, that are established by States and approved by EPA [State TMDLs] on a schedule consistent with national policy. Note: A TMDL is a technical plan for reducing pollutants in order to attain water quality standards. The terms approved and established refer to the completion and approval of the TMDL itself.	21 Section 3.1.4	150 (1537) 80%
2.2.1	WQ-09a	Estimated annual reduction in million pounds of nitrogen from nonpoint sources to waterbodies (Section 319 funded projects only).	TBD	(9.1)
2.2.1	WQ-09b	Estimated annual reduction in million pounds of phosphorus from nonpoint sources to waterbodies (Section 319 funded projects only).	TBD	(4.5 million)
2.2.1	WQ-09c	Estimated annual reduction in million tons of sediment from nonpoint sources to waterbodies (Section 319 funded projects only).	TBD	(1.2)
2.2.1	WQ-10	Number of waterbodies identified by States (in 1998/2000 or subsequent years) as being primarily nonpoint source (NPS)-impaired that are partially or fully restored. (cumulative)	1 Section 2.2.5	32 (500)
2.2.1	WQ-11	Number, and national percent, of follow-up actions that are completed by assessed NPDES (National Pollutant Discharge Elimination System) programs. (cumulative)		Indicator
2.2.1	WQ-12a	Percent of non-Tribal facilities covered by NPDES permits that are considered current. [Measure will still set targets and commitments and report results in both % and #.]	Section 4.2.1.1	78% 4068 (90%) (103,234)
2.2.1	WQ-13a	Number, and national percent, of MS-4s covered under either an individual or general permit.		Indicator
2.2.1	WQ-13b	Number of facilities covered under either an individual or general industrial storm water permit.		Indicator
2.2.1	WQ-13c	Number of sites covered under either an individual or general construction storm water site permit.		Indicator
2.2.1	WQ-14a	Number, and national percent, of Significant Industrial Users (SIUs) that are discharging to POTWs with Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment standards and requirements.	TBD	647 (20,750)
2.2.1	WQ-14b	Number, and national percent, of Categorical Industrial Users (CIUs) that are discharging to POTWs without Pretreatment Programs that have control mechanisms in place that implement applicable pretreatment standards and requirements.	Section 4.11.1.1	Indicator

2.2.1	WQ-15a	Percent of major dischargers in Significant Noncompliance (SNC) at any time during the fiscal year.		(<22.5%)
2.2.1	WQ-16	Number, and national percent, of all major publicly- owned treatment works (POTWs) that comply with their permitted wastewater discharge standards. (i.e. POTWs that are not in significant non-compliance)	TBD	(86% 3,645)
2.2.1	WQ-17	Fund utilization rate [cumulative loan agreement dollars to the cumulative funds available for projects] for the Clean Water State Revolving Fund (CWSRF).	94.5%	94% (94.5%)
2.2.1	WQ-19a	Number of high priority state NPDES permits that are issued in the fiscal year.	Section 4.2.1.1	41 (563 80%)
2.2.1	WQ-19b	Number of high priority state and EPA (including tribal) NPDES permits that are issued in the fiscal year.	TBD	42 (610 80%)
2.2.1	WQ-22a	Number of Regions that have completed the development of a Healthy Watersheds Initiative (HWI) Strategy and have reached an agreement with at least one state to implement its portion of the Region's HWI Strategy.	EPA	Indicator
2.2.1	WQ-25a	Number of urban water projects initiated addressing water quality issues in the community.	TBD	(10)
<b>Subobjective 2.2.3 Increase Wetlands</b>				
2.2.3	WT-SP22	In partnership with the U.S. Army Corps of Engineers, states and tribes, achieve 'no net loss' of wetlands each year under the Clean Water Act Section 404 regulatory program.	No Net Loss	No Net Loss
2.2.3	WT-01	Number of acres restored and improved, under the 5-Star, NEP, 319, and great waterbody programs (cumulative).	TBD	(200,000)
2.2.3	WT-02a	Number of states/tribes that have substantially built or increased capacity in wetland regulation, monitoring and assessment, water quality standards, and/or restoration and protection. (This is an annual reporting measure.)		Indicator

1. By “fully restored,” EPA means that all designated uses are now being met. By “partially restored,” EPA means either of the following two conditions are being met:

- a) A water body that has a use that is initially impaired by more than one pollutant, but after restoration efforts meets the criteria for one or more (but not all) of those pollutants, or
- b) A water body that initially has more than one use that is less than fully supported, but after restoration efforts one or more (but not all) of those uses becomes fully supported.

Since the main referent for this measure will be State 303(d) or Integrated Reports, States which did not submit 2000 303(d) lists may substitute the 1998 list for their base year. “Water bodies” therefore refer to 303(d)-listed segments or Category 4 or 5 waters on the Integrated Report. The measure is not meant to include only water bodies restored by 319-funded projects, but instead counts all primarily NPS-impaired water bodies that a state restores subsequent to the base year of 1998/2000. The water must have been impaired as of the year 1998/2000.

Waters listed after 1998/2000 which are then delisted from the 303(d) list (for some or all pollutants) or which move from categories 4 or 5 to category 1 or 2 may also be counted against this measure. In other words, although 1998/2000 is the base year, the 303(d) lists for those years need not be the only referent lists.

Please note that a water cannot be counted simply because it has been delisted from a state 303(d) list, or moves from categories 4 or 5 to 1 or 2, for reasons other than actual restoration (e.g., it is determined that it was inappropriately listed in the first place, it has a TMDL done for it, etc.).

A water will not be counted towards this measure if no specific management activities have been taken (by any party) within the watershed to improve water quality. Furthermore, a given water cannot be counted twice under this measure if it goes from impaired to partially restored, and then from partially restored to fully restored. Any given water may only be counted once under this measure.

For a water to be counted as “partially or fully restored,” it must be described by a story on EPA’s NPS Success Story Website (<http://www.epa.gov/owow/nps/Success319/>). On the Success Stories web site, the heading “Stories about partially or fully restored water bodies” is the section that refers to this measure. Without such a story, the water will not be counted against this measure. A story may include more than one water body, where appropriate.

Success stories submitted for the States (or Tribes) must include the following:

- Title
- Problem
- Project highlights
- Results
- Partners and funding
- Photos and/or Table/graph/chart
- Contact information
- GRTS project number(s) (where applicable)
- Date delisted from 303(d) list, or list date it will be delisted (i.e. next 303(d) list)

The determination of whether or not a water is “primarily” NPS-impaired will be left to the best professional judgment of the States. EPA does not expect that the State should do a detailed analysis when making a judgment on whether a given water is “primarily” NPS-impaired, when a precise determination would be exceedingly difficult (such as, for example, when a single listed water moves through both permitted MS4 areas as well as through non-permitted areas).

2. Watershed-based plans are plans which include the “nine components” described in the “Nonpoint Source Program and Grants Guidelines for States and Territories” (October 2003) available at: <http://www.epa.gov/fedrgstr/EPA-WATER/2003/October/Day-23/w26755.htm>

These plans are primarily geared towards restoring impaired waters, though they should also address unimpaired but threatened waters as necessary.

“Substantially-implemented” means either of the following two things:

- a) Those actions called for in the initial plan (i.e., prior to any later adjustment to the plan that may be deemed necessary) specifically geared towards remediating the impairment(s) have been implemented. The plan in this case must include the nine components for watershed-based plans outlined in the NPS grants guidelines.
- b) Sufficient management measures and practices called for in the plan have been implemented to achieve the load reductions that are needed to meet WQS, even if the plan comes close to – but falls short of – including all nine criteria articulated in the NPS grants guidelines.

In the case of condition “b,” EPA and States may define what it is to be “close” to meeting the nine criteria. Furthermore, in terms of demonstrating that the implementation actions have met the load reduction target, if the State has a load reduction model it trusts that predicts that whatever actions that have been implemented should be sufficient to reach the load reduction target -- and the Region agrees with the State's judgment -- then this will be sufficient for meeting the bar of “substantially-implemented” for purposes of tracking against this measure. EPA reserves the right to ask the State to provide its evidence that the plan has met the second criterion for being a “substantially-implemented” plan.

Since watershed management typically necessitates an adaptive approach over time, watershed plans may never be fully implemented. Therefore, the term “substantially implemented” is being used.

Substantially-implemented plans are reported twice a year -- once by April 1 for a "mid-year" number, and once in September 1, for an "end-of-year" number



## Chapter 6 HAZARDOUS MATERIALS WASTE MANAGEMENT DIVISION

### 6.1 Organization and Programs

HMWMD is comprised of several programs that regulate sites and facilities through a combination of traditional elements; i.e., licenses, certifications, permits, and inspections; augmented as needed by a variety of enforcement activities and compliance assistance. These regulatory programs include Colorado's equivalents of the EPA's Resource Conservation and Recovery Act (RCRA) solid and hazardous waste programs, the Nuclear Regulatory Commission's radioactive materials program, and the Food and Drug Administration's x-ray / mammography risk and quality control programs.

As the Performance Partnership Agreement and Grant are aimed at the RCRA hazardous waste program and the Radon Program in HMWMD, the remainder of this chapter expands on only those efforts.

Hazardous Waste Program: Compliance assurance and compliance assistance form the centerpiece of efforts in HMWMD each year. The division is dedicated to the adoption of reasonable regulations and guidelines that safeguard the environment and public health; outreach to the regulated community and the public to assure awareness and understanding of such requirements; routine inspections that evaluate compliance at a significant percentage of the regulated facilities each year; and concerted efforts to achieve timely compliance and corrective action. In addition, at sites where the improper disposal of wastes or chemical spills may impact the environment or place the safety and health of the citizen in question, HMWMD is focused on achieving rapid stabilization, and environmentally sound and cost-effective clean-ups.

The Division maintains vital compliance assistance components in addition to the more traditional compliance assurance activities. This includes waste minimization and pollution prevention aspects. These efforts are integrated with similar activities in HMWMD and other divisions to improve consistency and effectiveness in all compliance assistance and compliance assurance efforts. HMWMD has established a variety of resources for providing technical assistance and regulatory guidance through trainings, workshops, published materials, compliance aids, the Division homepage, and the customer technical assistance phone line.

Information disseminated during inspections encourages effective waste management practices within the regulated community. The use of waste minimization and pollution prevention-based Supplemental Environmental Projects as a frequent part of enforcement actions has emphasized the importance of these concepts. The results of the HMWMD waste prevention and minimization efforts can be demonstrated by a downward trend in the amount of waste generated by many Colorado businesses and the downward trend in the number of hazardous waste generators in the state.

The strength of the corrective action program component lies in the expertise of the staff, their ability to use creative and problem-solving approaches, and their willingness to work in a collaborative fashion with other agencies and with facility representatives to achieve a common goal. The Division's strength is increased by the close interaction of similar cleanup efforts in the different divisional programs, although each is driven by a different set of laws and regulations. HMWMD works continuously to increase consistency among remediation requirements and to expedite the cleanup process for the regulated community. Please see the organization chart following this section.

Significant progress continued in the cleanup of high priority RCRA corrective action sites. Colorado continues to exceed EPA national goals for environmental indicators for this universe.

In February 2013, the 12th annual report required by SB-00-177 was delivered to the Colorado General Assembly. This report presents the extensive efforts in HMWMD for improving efficiency and effectiveness within the hazardous waste program. The 2012 report documented the continued emphasis on compliance assistance and self-certification of compliance, expanding on HMWMD efforts of past years.

HMWMD concentrates on performance-based measures for planning and implementing activities in all its programs. HMWMD places its priority on the parity of approaches to cleanups under all of its various programs and on improving the processes used for conducting cleanups. This approach is evident, for instance, in the equivalency of the Voluntary Cleanup Program and the Hazardous Waste Corrective Action Plan process. In another example, in 2011 and 2012, the Division has worked on developing policy and guidance that establishes a consistent set of criteria to be used by all the remedial programs for making the important decision of when ceasing remediation and monitoring at sites with small amounts of ground water contamination can be made. In addition, the Radiation Management staff coordinates remediation oversight at several sites with the Superfund and Hazardous Waste program staff.

**Radon Grant Activities:** The Radon Hotline is a customer service effort provided by this Division. Radon information dissemination, outreach and presentations upon request are provided by HMWMD, using EPA grant dollars, and are augmented by participation and training efforts contributed by state and local personnel. In an effort to expand the public outreach of the radon grant, roughly twenty grants to local governments, extension offices and partners will be distributed. Additional radon reinvigoration projects by the HMWMD include mass mailings of radon information targeted to all schools, newspapers, realtors, homebuilders and building officials. Annual surveys of measurement results, mitigation providers, schools and builders are now being conducted in order to provide an accurate assessment of outreach impact in Colorado as requested in the EPA radon reinvigoration strategy. A public education video created by CDPHE is also available for public viewing on our website at [www.coloradoradon.info](http://www.coloradoradon.info). A final report and data analysis on compliance with radon testing requirements on Colorado schools has been completed and is currently under review by the Radiation Advisory Committee. Data will be compiled and available for public review upon project completion.

**Table 6.1 Hazardous Materials & Waste Management Division Organization**

<b>Work Unit</b>	<b>Core Functions</b>					
<b>Director's Office</b>	Community Relations	Policy Advisor	Emergency Planning & Preparedness	ATSDR / HSEES Grant		
<b>Administration</b>	Fiscal Management	Human Resources Services & Training	GIS & Scientific Data Management	Network Support Services	Records Management & Administrative Services	
<b>Solid and Hazardous Waste Program</b>	Hazardous Waste Permitting, Compliance, Enforcement, Compliance Assistance, & Corrective Action	Solid Waste Permitting, Compliance, Enforcement, Compliance Assistance, & Corrective Action	Regulatory Development	Financial Assurance (for all compliance elements)	Data Management for hazardous and solid waste programs	
<b>Radiation Management Program</b>	Radioactive Materials Licensing, Compliance, Enforcement, & Corrective Action	X-ray/ Mammography Facility Compliance, Enforcement, & Corrective Action	Regulatory Development	Testing and Certification of Service Companies, Qualified Inspectors and Experts, etc.	State Indoor Radon Grant Activities	Radiological Response
<b>Remediation Program</b>	Superfund remediation lead and support agency; Superfund O&M	Preliminary Assessment, Site Investigation,	Voluntary Cleanup Program	Brownfields Revolving Loan Fund; Targeted Brownfields Assessments	Defense Facilities Remediation & Restoration	

## 6.2 Successes Under the CEPPA

The HMWMD has enjoyed many successes under the CEPPA. This section presents several recent examples.

- HMWMD has had stable funding for hazardous waste corrective action and compliance and enforcement since 2000. In May 2009, the fees were increased in a manner thought to provide adequate funding through FY11. In fact, this fee increase collected too much money and fee reductions were implemented in 2011 and 2012 and continued into 2013. In recent End-of-Year and State Review Framework Reports, EPA has agreed that the Division is capable of implementing a fully authorized program and all necessary program elements are in place and functioning at a high and efficient level.
- The Hazardous Waste Control Program has made substantial progress in the area of safe waste management. HMWMD's program has exceeded national targets for having operating permits and post-closure permits in place.

HMWMD has also made substantial strides in Hazardous Waste Corrective Action. Historically, Colorado has met or exceeded the GPRA goals for the remedy selection, remedy construction, and human health exposures under control environmental measures for the 2020 baseline facilities.

## **6.3 Cross-Cutting Themes**

Across the programs within HMWMD, there are several cross-cutting areas of activity and effort. These include customer service, compliance assistance, compliance assurance, and community-based environmental protection. While not always specifically discussed in the HMWMD workplan tables presented later in this chapter, these themes or concepts have a high priority in everything HMWMD accomplishes. The following sections describe some of the Division's efforts in these areas.

### **6.3.1 Customer service**

On-going customer service efforts include:

- The half-time technical assistance function in HMWMD provides technical assistance to the public for all HMWMD programs during business hours.
- A nationally published dedicated radon information line with a 1-800 number available for long distance inquiries.
- The records center is open to the public for document reviews all day every working day.
- Extended and improved and continuously updated information on the division's Home Page.
- Environmental records searches.
- Voluntary Cleanup reviews and assistance functions.
- Field assistance, consultative services, and training on hazardous waste regulation implementation.

### **6.3.2 Compliance Assistance and Assurance**

For several years, the various HMWMD programs have undertaken a number of both traditional and innovative Compliance Assistance efforts.

- During FY12, HMWMD provided 21 compliance assistance training sessions related to hazardous waste that reached 1,030 people.
- Compliance guidance documents and bulletins have been published on a wide range of topics and are available at no cost to the public on the HMWMD Homepage and as printed materials. These documents are also available on CD-ROM for attendees at training sessions. HMWMD evaluates the distribution of contacts (correspondence, phone inquiries, website "hits", etc.) to direct development of new guidance or updates to existing guidance.
- Guidance documents and compliance documents have been developed and / or updated to provide regulatory interpretations for the regulated public and HMWMD inspectors.
- HMWMD continues its half-time customer technical assistance availability and a 1-800 number for contacts from outlying parts of the state. This service continues to see relatively heavy use from the public.
- HMWMD has continued to update and improve the Division's web page. The web page continues to show a trend of increased use.
- HMWMD is implementing full-scale self-certification (aka, Environmental Results Program or ERP) projects in the auto-body, dry cleaner, and SQG sectors. These efforts include air quality self-certification checklists and hazardous waste checklists. New self-certification programs are under development for hazardous wastes in high school chemistry laboratories and for pharmaceutical wastes in long-term health care facilities.
- HMWMD has continued the Generator Assistance Program or GAP. This program is designed to provide, upon request, an on-site compliance audit for any hazardous waste generator in Colorado. These GAP site visits are performed by inspectors, but in a compliance assistance mode. In fact, participants are assured that discovered violations will not result in enforcement provided there are no imminent and substantial threats to health and environment at the facility and provided that the facility agrees to a prompt return to compliance. In FY12, HMWMD performed 19 GAP site visits. These site visits are being entered into RCRAInfo as "compliance visits" or CAVs.

### 6.3.3 Pollution Prevention

Pollution prevention continues as a central theme in many Division activities.

- Inspectors communicate pollution prevention concepts and, when possible, specific ideas to regulated entities routinely during inspections. Training efforts also emphasize pollution prevention as an effective environmental management tool.
- Pollution prevention activities were negotiated as Supplemental Environmental Projects (SEPs) as part of penalty settlements in several significant enforcement cases. Such projects included replacement of outdated systems to improve materials usage and reduce waste and replacement of equipment that requires the use of chemicals that end up as hazardous wastes streams. Also, assistance to other facilities with similar problems, education and outreach on environmental issues and spill and leak prevention equipment and improvements are included in some SEPs that are considered pollution prevention based. HMWMD efforts on SEPs in settlement agreements have been consistent with the CDPHE agency-wide SEP policy.

### 6.3.4 Community-Based Environmental Protection

There are many remediation sites that invest time and effort into soliciting and resolving the concerns of the community that surrounds them. Strong examples of the right way to achieve community involvement include several examples from HMWMD.

- Extensive public outreach has occurred for the recent release at the Suncor Refinery in Commerce City. Significant remediation is occurring on the site and several high-profile articles have appeared in the Denver Post keeping media and public interest piqued.
- Extensive community involvement has continued regarding the proposed Chemical Demilitarization facility being built at the Pueblo Chemical Depot. Monthly public meetings are held regarding the permit in association with the Citizen's Advisory Commission. In addition, Division public involvement staff spends considerable time with citizens and civic groups in the Pueblo area distributing information on the chemical demilitarization project.
- Extensive public outreach has occurred in the community of Parachute, Colorado, because of the recent spill of natural gas liquids into Parachute Creek. This spill has caused significant concerns in the local community.

## 6.4 Goals and Objectives for this FY2014 CEPPA

### 6.4.1 Hazardous Waste Program Goals

#### HW General Program Management and Partnership

- HW 1 Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.
- HW 2 Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects goals and objectives of both the State and EPA including appropriate work sharing.
- HW 3 The State and EPA will work together to identify and achieve environmental indicators. Actions necessary to achieve environmental indicators will be planned and tracked. Determination documentation for those facilities "under control" will be provided by the State to EPA; EPA will, in turn, provide guidance for what constitutes "adequate documentation".

#### HW Operating Permits and Closure/Post-Closure Permit Goals

- HW 4 Issue and maintain operating permits, closure plans, and post-closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that will protect public health and environmental quality. Ensure protection of public health and the environment by inspecting facilities to determine their compliance with permit or closure plan conditions.
- HW 5 Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and the development of such technologies.

### HW Compliance Monitoring and Enforcement Goals

- HW 6 Ensure protection of public health and the environment by achieving compliance at regulated hazardous waste facilities through implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste laws and regulations.
- HW 6.1 Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspection of treatment, storage and disposal facilities will meet the statutory requirements.
- HW 6.2 Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.
- HW 6.3 Promote compliance at regulated facilities by ensuring that enforcement actions are timely and appropriate. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.

### HW Corrective Action Goals

- HW 7 Clean up releases of hazardous waste that threaten the public or the environment in an efficient and effective manner.
- HW 8 Provide regulatory assistance and technical expertise to all parties responsible for cleaning up releases of hazardous waste at their facilities. This consists of frequent communication and the sharing of our expertise in correspondence, guidance documents, or policy.

### HW Pollution Prevention and Compliance Assistance Goals

- HW 9 Implement a compliance assistance program that increases the compliance rate within HMWMD's regulated communities.
- HW 10 Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management.
- HW 11 Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.

## **6.4.2 Radon Program Goals**

- RA 1 Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.
- RA 1.1 Increase awareness, testing and mitigation of homes with elevated radon levels. Work toward adoption of more radon-resistant building codes.
- RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.

The State Indoor Radon Grant is used to develop effective, efficient activities for the state with emphasis on raising awareness of radon issues, increasing testing rates and encouraging mitigation in response to elevated radon levels. Homeowners, local governments, realtors and builders will continue to be target groups for communicating about radon testing and radon-resistant new construction. Distribution of funding to local health departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

A survey of measurement results for 2009 indicated that 23,627 tests were conducted statewide with results ranging from 0-555.9 PCi/L, with 11,175 or 47.3% of the test results  $\geq 4$  PCi/L. A survey of mitigation providers for 2009 indicated that 8,002 mitigation systems were installed statewide. This is a slight decrease in the number of homes mitigated in 2008. Research indicates this is most likely due to the state of the economy. In 2009, the CDPHE Radon website received 23,022 web hits, the radon hotline received 1,804 phone calls, and CDPHE distributed approximately 20,000 pieces of literature related to radon via mail, conferences, presentations and community outreach activities.

## **6.5 Summary of Program Assessment Process**

### **6.5.1 Hazardous Waste Program**

EPA will perform a mid-year and end-of-year review of all aspects of the hazardous waste program. The mid-year review will be less rigorous, but the end-of-year review will be complete and comprehensive, as appropriate. For the Inspection and Enforcement program elements, the State Review Framework (SRF) will be used every four years. Depending on the SRF findings, appropriate levels of oversight will be employed in the interim years. EPA will use the Program Oversight elements, defined in 2004 by both EPA and the Region 8 states, to oversight the permitting, closure, post-closure, and corrective action program elements.

### **6.5.2 Radon Program**

EPA will conduct an annual program review and EPA will conduct a review of state activities in accordance with federal grant regulations.

## **6.6 Environmental Indicators**

### Hazardous Waste Program:

- Number and percent of high-ranked GPRA hazardous waste facilities with human exposures under control (CA725).
- Number and percent of high-ranked GPRA hazardous waste facilities with migration of contaminated ground water under control (CA750).
- Number and percent of high-ranked GPRA hazardous waste facilities with corrective measure construction complete (CA550).

## **6.7 Accountability**

The preceding text in Chapter 6 is provided as a description of the types and scope of environmental activities being conducted by the various programs within HMWMD. It contains examples of successes and achievements but is not intended as a comprehensive list of work completed. The chapter's text also includes activities and programs that are not driven by EPA / CEPPA funding nor by EPA program requirements. These items should not be viewed as part of any future EPA program assessment and are not work plan commitments.

## Hazardous Materials and Waste Management Division FY 2014 Work Plan

### 6.8.1 Hazardous Waste Program

**Mission:** To ensure that all hazardous wastes are handled and managed in ways that protects the public and environment from the moment of waste generation until final disposal or destruction.

HW I - General Program Management and Partnership		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities		
HW 1: Long Term Goal Implement an efficient and effective hazardous waste regulatory program with adequate fiscal and personnel resources.		
Short Term Goals	Objective	Measures
HW 2: Short Term Goal - Develop a partnership between the State and EPA that improves the program. Support this partnership and achieve efficient implementation of a hazardous waste program that reflects the goals and objectives of both the State and EPA including appropriate work sharing.	<b>Authorization</b> The State will pursue timely and complete authorization for new mandatory rules and progress toward overall authorization goals.	<b>FY14:</b> • RCRA Cluster XXII (SPA 33)
	<i>EPA will work toward a timely review of authorization applications submitted and improve the overall pace of authorization and authorization flexibility.</i>	
	<b>Program Improvement</b> The State will continue to evaluate the Hazardous Waste Control Program seeking to make further program improvements as appropriate.	Continued implementation of self-certification programs and GAP site visits.
	<b>Data Management</b> The State will maintain timely, accurate, and complete data in RCRAInfo. Note: The State is currently a direct user of RCRA Info and translates only new evaluation data. Colorado has applied for an Exchange Network grant to translate compliance data.	The State will have data in RCRA Info by the 15 <sup>th</sup> day of the month following activity.
		The State will ensure that data is reported to RCRAInfo accurately and completely reflecting the status of the RCRA universe.
	The State will continue to work with EPA to ensure that RCRAInfo reports used to track the progress of activity are accurate.	RCRAInfo reporting will include all key measures of operating, closure and post-closure permitting; corrective action; and compliance monitoring and enforcement components of the HW program at a level sufficient to support program evaluation efforts.

HW I - General Program Management and Partnership		
	<i>EPA will assist the State in assuring that the RCRAInfo data is current and accurate and reflects EPA HW activities as well as State activities.</i>	
	<i>EPA will work with the State to resolve “universe” issues .</i>	
	<i>EPA will provide training and technical assistance when requested.</i>	
	The State and EPA will jointly create and generate RCRAInfo reports that are of benefit to the program.	
	<b>Public Involvement.</b> The State will continue to involve the public as required by statute and regulation or MOA. This includes a system to respond to requests for information and complaints or concerns from the public.	CDPHE will: <ul style="list-style-type: none"> <li>• Log all complaints and track response and resolution of all complaints.</li> <li>• Log all requests for information and track response and resolution.</li> </ul>
	<b>Resource Level</b> The State will maintain adequate resources to implement the program.	
	<b>Financial Accountability</b> The State will adequately account for grant dollars.	
	<b>Program Guidance / Agreements</b> The State and EPA will jointly develop and maintain the MOA/EA, Quality Assurance Plan and other operating Guidance.	
	<b>Strategic Planning</b> The State and EPA will jointly plan and prioritize program goals, objectives and activities that address state and federal priorities and initiatives. Activities include PPA development, Annual National targets, inspection strategies, planning meetings, etc.	EPA and the State will hold meetings to share information, identify and solve problems, and engage in short term planning efforts.



HW I - General Program Management and Partnership		
	<b>Coordination of Joint Activities</b> The State and EPA will maintain a high level of cooperation between State and EPA staff to assure successful and effective administration of the program including evaluation of desirable technical support.	EPA and the State will hold meetings to share information, identify and solve problems, and engage in short term planning efforts.
	<b>Program Communication</b> The State and EPA will maintain frequent and open communication on routine matters, changes in program capability, legislation and resources levels, emergency situations and other key activities as described in the MOA.	Examples of key activities include final decisions re: variances / waivers, enforcement actions, biennial report summarization, final permits, etc.
		EPA and the State will hold meetings to share information, identify and solve problems, and engage in short term planning efforts.
	<b>Training and Technical Assistance</b> The State and EPA will jointly identify training and technical assistance needs.	The State will develop and implement a staff training program that results in well-qualified staff and ensures that mandatory training needs are met.
		<i>EPA will make training and technical assistance available to the State and will work toward improving the capability to provide high quality training and technical assistance. Technical assistance will be made available through EPA staff, EPA research labs and EPA contractors.</i>
HW 3: Short Term Goal – The State and EPA will work together to determine progress in identifying and achieving environmental indicators. Actions necessary to achieve environmental indicators will be planned and tracked. Determination documentation for those facilities “under control” will be provided by the State to EPA; EPA will, in turn, provide guidance for what constitutes “adequate documentation”.		
		See “Table HW IV” below.

<b>HW II</b> <b>Operating Permit and Closure/Post Closure</b> <b>Permit Goals</b>		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.2 Preserve Land		
<b>HW Operation Permit Universe Information:</b> There is only one (1) commercial land disposal facility operating within the State; as of the end of FY13, this facility has the required permit. There are seven (7) operating commercial and non-commercial treatment / storage facilities operating in the State; as of the end of FY13, all required operating permits have been issued. One unit at 1 facility (storage igloos at PCD) is deemed “interim status,” but will be closed before it is permitted. Currently, there are no (0) operating combustion units within the State. An RD&D Permit has been issued for the Pueblo Chemical Agent-Destruction Pilot Plant (PCAPP) facility to allow for construction. PCAPP is approximately 99% constructed and beginning systemization.		
Short Term Goals	Objective	Measures
<b>HW 4: Short Term Goal:</b> Issue and maintain operating permits, closure plans, and post-closure permits that include conditions necessary to assure that hazardous wastes are managed in ways that will protect public health and environmental quality. Ensure protection of public health and the environment by inspecting facilities to determine their compliance with permit or closure plan conditions.	<b>Operating Permit Activities.</b> The State will demonstrate progress toward achieving operating permits (OP) program goals, objectives and activities identified in jointly developed strategies that reflect State and EPA OP priorities.	The Key Measure of the OP process is: <ul style="list-style-type: none"> <li>• OP200 – final determinations / renewal determinations.</li> </ul> Supporting Measures include: <ul style="list-style-type: none"> <li>• OP100 – review activities resulting in a determination or notice of deficiency;</li> <li>• OP240 – permit modifications; and</li> <li>• Emergency Permits.</li> </ul>
		The following output is planned:  <b>FY14:</b> <ul style="list-style-type: none"> <li>• No (0) treatment, storage and disposal facility needs to obtain an operating permit final determination.</li> <li>• One (1) TSD facility is anticipated to obtain a permit renewal.</li> </ul>
	Permit maintenance; permit modifications, and emergency permits will be processed as required.	Permit modifications and emergency permits will be processed as received and required.
	<i>EPA will conduct operating permit activities according to the joint permitting process described in the authorization memorandum of agreement.</i>	
	<i>EPA will provide technical assistance where requested.</i>	

HW II Operating Permit and Closure/Post Closure Permit Goals		
HW Closure Universe Information: There are or have been thirty-three (33) treatment/storage/disposal facilities with land disposal units on the closure track, and seventy-six (76) land disposal units at these facilities. All of the 76 land disposal units have approved closure plans. Three (3) still need closure certification and agency verifications (DuPont, and Fruita-2). Sixty-one (61) treatment/storage/disposal facilities have treatment or storage units on the closure track. Most of these treatment or storage units have had their closure plans approved. The only units without approved closure plans are units that have been referred to the CERCLA remedial process. All four (4) treatment/storage/disposal facilities with combustion units have completed the closure process.		
HW 4 (cont'd) Issue operating permits	<b>Closure Activities –</b> The State will demonstrate progress toward achieving closure (CL) program goals.	The Key Measure for closure activities is: <ul style="list-style-type: none"><li>• CL360 - Closure plan approval.</li><li>• CL380 - Closure verification</li><li>• CL370 - Closure certification</li></ul>
		The following outputs are planned: <b>FY14:</b> <ul style="list-style-type: none"><li>• No (0) treatment / storage units will receive closure plan approval</li><li>• Two (2) treatment / storage units will receive closure verification</li><li>• One (1) closure certification will be approved</li></ul>
	<i>EPA will participate in closure determinations through joint activities and providing technical assistance where requested</i>	
HW Post Closure Universe Information There are twenty-seven (27) facilities in the post-closure universe in the state as of the end of FY12. The Division has lead for all of these facilities excluding three (3) superfund sites. All required post-closure permits or other approved controls are in place with the exception of the Rockwool facility, which is abandoned and has no viable owner/operator.		
Short Term Goals	Objective	Measures
HW 4 (cont'd) Issue operating permits	<b>Post-Closure Activities –</b> The State will demonstrate program progress toward achieving post-closure (P-C) program goals, objectives and activities that reflect State and EPA P-C priorities.	The Key Measure is: <ul style="list-style-type: none"><li>• PC200 – final post-closure permit determinations/issuances. Post-Closure plan approvals, or other approved controls for all applicable units at facilities in the GPRA post-closure universe.</li></ul> Supporting measures are: <ul style="list-style-type: none"><li>• PC300 – other final post-closure permit determinations / issuances.</li><li>• PC010 – post closure permit call-ins.</li></ul>

<b>HW II</b> <b>Operating Permit and Closure/Post Closure Permit Goals</b>		
		<ul style="list-style-type: none"> <li>• The following major outputs are planned: <b>FY14:</b></li> <li>• No (0) post-closure permits will be renewed</li> <li>• No (0) other final or other post-closure permit determination / issuance is anticipated.</li> <li>• No (0) post-closure permit call-ins are expected.</li> </ul>
	<i>EPA will participate through joint activities and by providing technical assistance as requested.</i>	
<b>HW 5: Short term Goal</b> Develop mechanisms to improve state-to-state cooperation on permitting of promising innovative waste remediation technologies and the development of such technologies.	<b>HW 2.1.3</b> Participate in Interstate Technology and Regulatory Cooperation Workgroup.	
<i>EPA will conduct oversight of State operating, closure, and post-closure permitting activities.</i>		

<b>HW III</b> <b>Compliance Monitoring and Enforcement Goals</b>		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities Goal 5: Enforcing Environmental Laws, Objective 5.1, Supporting Goal 3		
<b>HW 6: Long Term Goal</b> Ensure protection of public health and environment through achieving compliance of regulated facilities by implementation of an effective monitoring and enforcement program. Detect and deter violations through inspections and enforcement actions and promote compliance with hazardous waste requirements.		
<b>Outcome Measures:</b> Return to compliance after enforcement is an important measure of the effectiveness for the enforcement and inspection program. Informal and formal enforcement actions issued in the reporting year are used as the basis for this measure. The measure is the percentage of compliance requirements that are met during the reporting year that they fall due. This measure is expected to be 80% or more in FY14.		
Short Term Goals	Objective	Measures

<b>HW III</b> <b>Compliance Monitoring and Enforcement Goals</b>		
<b>HW 6.1: Short Term Goal</b> Ensure that annual inspection requirements are achieved and that inspections are of high quality. Inspections of treatment, storage and disposal facilities will meet the statutory requirements.	All federal and state TSDs will be inspected. Inspections of state TSDs will be conducted jointly with EPA, with EPA acting as the lead in the inspections.	During FY14, 100% of the compliance inspections required by statute will be conducted.  CDPHE will submit to EPA, by November 15 of each year, an inspection work plan for the upcoming federal fiscal year, which includes the names of TSD and LQG facilities.  A minimum of twenty percent (20%) of all large quantity generators (LQGs) will be inspected during each fiscal year and 100% of all LQGs will be inspected every 5 years.
	All active land disposal facilities will be inspected. All those in post-closure will be inspected every other year (every two years).	
	Ground water monitoring inspections will be conducted at active land disposal facilities that have not had such inspections in the previous two years (every three years) or as agreed to by the State and EPA.	
	All treatment and storage facilities will be inspected every other year (every two years).	
	<b>Other Priority Inspection Areas</b> - Permit Evaders - Surface Impoundments - Mineral processors - Waste Analysis Plans at commercial TSDFs	
	<i>The Region commits to work with the State to identify 2 TSDFs and 2 LQGs which the Region will inspect as lead. The LQGs will be identified from the national and regional priority sectors, illegal recyclers, entities with violations in more than one state, environmentally sensitive environment, unpermitted surface impoundments, improper medical waste disposal, coal combustion waste facilities, areas of environmental justice concerns and particularly recalcitrant violators.</i>	
<b>HW 6.2: Short Term Goal</b> Maintain a high level of expertise to ensure that quality inspections consistent with national guidance are being conducted.	High quality inspections will be conducted in accordance with national guidance to be reviewed jointly by the State and EPA in the annual assessment.	EPA State Review Framework Evaluation
<i>EPA Region 8 will continue to implement the CERCLA Off-Site Rule (OSR). EPA will continue to</i>		

<b>HW III Compliance Monitoring and Enforcement Goals</b>		
<i>coordinate closely with the state in this implementation.</i>		
<b>HW 6.3: Short Term Goal</b> Promote compliance of regulated facilities by ensuring that enforcement actions are timely. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.	Informal actions will be taken as appropriate within the timeframes established in the HMWMD Enforcement Response Policy.	Compliance Advisories (informal enforcement mechanism) will be used as appropriate and consistent with the State's Enforcement Response Policy.
	Formal enforcement actions, such as administrative orders, judicial referrals and referrals to EPA will be taken as appropriate and within the time frames established in the MOA and the HMWMD Enforcement Response Policy.	Formal enforcement actions will include the use of compliance schedules, assessment of penalties, and escalation of enforcement action as appropriate for the violation and consistent with the HMWMD Enforcement Response Policy.
	Enforcement follow-up and other activities will be conducted in accordance with the HMWMD Enforcement Response Policy.	Follow-up will include compliance schedules, follow-up inspections, and compliance assistance and / or escalation of enforcement responses as appropriate and consistent with the HMWMD Enforcement Response Policy.
	<i>The State and Region 8 will work together to move closure/post closure and corrective action facilities to compliance with financial assurance requirements through the development of enforcement cases which may be taken by either the State or EPA. Region 8 will be the lead for entities with facilities in more than one state.</i>	The State and EPA will share any information that is collected regarding the environment and / or public health benefits achieved through inspection and enforcement activities.
	<i>Other national enforcement priority areas: Region 8 will continue to support the multimedia Energy Extraction initiative</i>	
<i>EPA and the State will work jointly to assure that the review of enforcement actions is timely and appropriate in accordance with the Enforcement Response Policy. Actions necessary to assure return to compliance (RTC) and consistent with the Enforcement Response Policy will be documented.</i>	<i>EPA will conduct mid-year and end of year file reviews to document the progress CDPHE has made on timeliness of enforcement actions and the appropriate assessment and collection of penalties, including gravity, economic benefit and multi-day penalties.</i>	The State and EPA will have coordination meetings to discuss the compliance and enforcement program. EPA's State Review Framework Evaluation will be used to judge the quality of HMWMD's Program.

<b>HW IV</b> <b>Corrective Action Goals</b>		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.3 Restore Land		
Corrective Action GPRA Universe Information: There are 44 high-priority facilities on Colorado’s GPRA 2020 corrective action baseline. Of those facilities, all have been assessed - the RFA is complete ( <b>CA050</b> ), and all have been prioritized ( <b>CA075</b> ), according to RCRAInfo.		
Short Term Goals	Objective	Measures
HW 7: Long Term Goal Clean up releases of hazardous waste that threaten the public or the environment.	<b>Corrective Action Identification and Ranking</b> The State will demonstrate progress toward achieving corrective action program identification ranking goals, objectives and activities that reflect State and EPA priorities.	The Key Measures for corrective action progress are: <ul style="list-style-type: none"> <li>• CA 050 –assessment completed;</li> <li>• CA 070 – determination of need for RFI; and</li> <li>• CA 075 – corrective action universe ranking.</li> </ul>
		The following outputs are planned: <b>FY14:</b> All assessment and ranking activities have been completed; therefore, no activities are planned
	<i>EPA will provide technical assistance in identification and ranking activities as appropriate.</i>	
GPRA Corrective Action Universe Information: There are forty-four (44) facilities on Colorado’s GPRA 2020 Corrective Action Baseline. All 44 have had the CA process started with at least a RCRA Facility Investigation (RFI) imposed ( <b>CA100</b> ) for at least one area. Thirty-seven (37) have had RFIs approved ( <b>CA200</b> ) for at least one area. Thirty-five (35) have had a remedy selected ( <b>CA400</b> ) for at least one area. Thirty (30) have had a remedy construction completed ( <b>CA550</b> ).		
HW 7: Long Term Goal Clean up releases	<b>Corrective Action Progress</b> The State and EPA will demonstrate progress toward achieving corrective action program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be placed on high-ranked facilities.	The Key Measures for Corrective Action are the following activities: <ul style="list-style-type: none"> <li>• CA100 – Initial RCRA Facility Investigation (RFI) imposed;</li> <li>• CA100 – Subsequent RFI imposed;</li> <li>• CA150 – RFI work plan approved;</li> <li>• CA200 – RFI approved</li> <li>• CA300 – Corrective Measure Study (CMS) work plan approved;</li> <li>• CA350 – CMS approved;</li> <li>• CA400 - Remedy Selection</li> <li>• CA500 – Corrective Measure (CM) work plan approved;</li> <li>• CA550 - Corrective Measures implemented (CMI),</li> </ul>

<b>HW IV</b> <b>Corrective Action Goals</b>		
		construction completed • CA999 – Corrective Action complete
HW 7: Long Term Goal Clean up releases ....	<b>Corrective Action Progress (Cont'd)</b>	The following key outputs are planned: <b>FY14:</b> <ul style="list-style-type: none"> <li>• No (0) initial RFIs imposed.</li> <li>• No (0) subsequent RFIs imposed.</li> <li>• Three (3) RFI work plans approved.</li> <li>• Six (6) RFI reports approved.</li> <li>• One (1) CMS work plan approved.</li> <li>• One (1) CMS report approved.</li> <li>• Three (3) remedies selected at the unit level.</li> <li>• No (0) remedies selected at the facility level.</li> <li>• Two (2) CM work plans approved.</li> <li>• Five (5) CMI construction completed at the unit level.</li> <li>• No (0) CMI construction completed at the facility level.</li> <li>• No (0) corrective action completed.</li> </ul>
	<i>EPA will conduct corrective action activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate. Specifically EPA has assumed the lead for corrective action at two (2) facilities, both are anticipated to become a state- lead facility.</i>	
<b>Stabilization Universe Information</b> Twenty-three (23) of the forty-four (44) high-ranked CA baseline universe facilities are in the stabilization universe. That is, the stabilization measures evaluation ( <b>CA225</b> ) resulted in a finding that stabilization measures are appropriate. Stabilization measures have been imposed ( <b>CA600</b> ) at twenty-two (22) of the facilities. Stabilization construction completion ( <b>CA650</b> ) has occurred at seventeen (17) facilities.		



<b>HW IV</b> <b>Corrective Action Goals</b>		
HW 7: Long Term Goal Clean up releases ....	<b>Stabilization Activities (Interim Measures) -</b> The State will demonstrate progress towards achieving stabilization program goals, objectives and activities that reflect State and EPA priorities. Emphasis will be on increasing the number of facilities at which current human exposures and releases to ground water have been controlled and on facilities that are ranked as “high”.	The Key Measures are the following stabilization activities: <ul style="list-style-type: none"> <li>• CA225 - Stabilization Measures Evaluation</li> <li>• CA600 - Stabilization Implemented</li> <li>• CA650 - Stabilization Construction completed</li> </ul>
	Stabilization Activities (Interim Measures) Cont’d	The following stabilization outputs are planned: <b>FY14:</b> <ul style="list-style-type: none"> <li>• No (0) Stabilization Measure Evaluations.</li> <li>• No (0) Stabilization Implemented.</li> <li>• No (0) Stabilization Construction completed.</li> </ul>
	<i>EPA will conduct Stabilization activities at EPA-lead facilities and will conduct joint activities and provide technical assistance, as appropriate.</i>	
<b>HW Indicator 2</b> The State will continue to evaluate the number and percentage of facilities with human exposures under control ( <b>CA725</b> ). Note: The definition of “under control” is in USEPA Region 8 RCRAInfo Definition Table, and in EPA guidance (2/5/99) for RCRA corrective action environmental indicators.		
<b>GPRA Corrective Action Universe Information:</b> There are Forty-four (44) facilities in the 2020 Corrective Action Universe. Forty (40) of these 44 are under control with regard to human exposure as of the end of FY10.		
HW 7: Long Term Goal Clean up releases ....	The state will work to get human exposure under control at facilities subject to corrective action. Documentation will be submitted to EPA for all facilities that have achieved this environmental indicator.	The Key Output is the number of GPRA Baseline facilities at which human exposures are under control (CA725). The following Key Outputs are planned: <b>FY14:</b> <ul style="list-style-type: none"> <li>• No (0) facility is projected to achieve this environmental indicator</li> </ul>
	The State will update the facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	The cumulative total in Colorado at the conclusion of FY14 will be 93%.

<b>HW IV</b> <b>Corrective Action Goals</b>		
<i>EPA has a national goal of having human exposures controlled at 95% of the GPRA Baseline facilities by FY 2005 (HW-11-24)</i>	<i>EPA will work to get human exposures under control at EPA-lead facilities and will provide technical assistance as appropriate.</i>	
	<i>EPA will update facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.</i>	
<b>HW Indicator 3</b> The State will continue to evaluate the number and percentage of facilities with ground water releases under control ( <b>CA750</b> ). Note: The definition of “under control” is in USEPA Region 8 RCRAInfo Definition Table, and in EPA guidance (2/5/99) for RCRA corrective action environmental indicators.		
<b>GPRA Corrective Action Universe Information:</b> There are Forty-four (44) facilities in the 2020 Corrective Action Universe. Forty-Three (43) of these 44 are under control with regard to ground water releases as of the end of FY10.		
<b>HW 7: Long Term Goal</b> Clean up releases ....	The state will work to get the migration of contaminated ground water under control at facilities subject to corrective action. Documentation will be submitted to EPA for all facilities that have achieved this environmental indicator.	The Key Measure is the number of GPRA Baseline facilities at which migration of contaminated ground water are under control (CA750). The following Key Outputs are planned: <b>FY14:</b> <ul style="list-style-type: none"> <li>One (1) facility is projected to achieve this environmental indicator</li> </ul>
	The State will update the facility-specific strategies, identifying when each high –ranked corrective action facility presently not under control is anticipated to meet this environmental indicator and to develop plans to achieve all projected Environmental Indicators.	The cumulative total in Colorado at the conclusion of FY14 will be 98%.

<b>HW V</b> <b>Pollution Prevention &amp; Compliance Assistance Goals</b>		
EPA 2011 – 2015 Strategic Plan Goal 3: Cleaning Up Our Communities, Objective 3.2 Preserve Land		
<b>HW 9: Long Term Goal</b> Implement a compliance assistance program that increases the compliance rate within HMWMD’s regulated communities.		

<b>HW V</b> <b>Pollution Prevention &amp; Compliance Assistance</b> <b>Goals</b>		
Short Term Goals	Objective	Measures
	A schedule of quarterly compliance assistance workshops and training sessions will be established. Trainings provide compliance guidance to attendees.	Presentation of hazardous waste compliance assistance seminars, workshops, and/or training sessions: <ul style="list-style-type: none"> <li>Estimate 15 to 20 sessions with 1000 attendees each federal fiscal year.</li> </ul>
	Site visits will be made to provide compliance assistance to selected individual businesses that request assistance or that are identified during routine hazardous waste inspections.	Implementation of the Generator Assistance Program (GAP).
<b>HW 10: Long Term Goal</b> Implement a pollution prevention program that encourages reduction of the amount and toxicity of wastes generated through waste minimization, treatment, and recycling of hazardous wastes, thereby reducing the risks associated with waste management. Methods for tracking and quantifying the accomplishments of these efforts will continue to be developed.		
	Pollution prevention training will be incorporated into compliance assistance trainings, as appropriate.	Done in conjunction with compliance assistance.
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance and inspections.
<b>HW 11: Long Term Goal</b> Integrate compliance assistance, waste minimization, pollution prevention, waste diversion, and recycling into all program activities and support waste minimization efforts statewide.		
	Develop and implement compliance assistance elements within the inspection and enforcement processes.	Provide direct compliance assistance in inspections: <ul style="list-style-type: none"> <li>Estimate 20 inspections in each federal fiscal year.</li> </ul>
	Distribute pollution prevention information and guidance documents in response to specific requests.	Done in conjunction with compliance assistance.
	Support and maintain the technical assistance phone system.	<ul style="list-style-type: none"> <li>Estimate 3000 responses during each federal fiscal year.</li> </ul>

<b>HW V Pollution Prevention &amp; Compliance Assistance Goals</b>		
	On the CDPHE homepage, provide updates in the hazardous waste activities and access to current compliance assistance and pollution prevention materials and documents.	<ul style="list-style-type: none"> <li>• Maintain homepage information and track usage by Division customers</li> <li>• Estimate over 1,000,000 contacts during each federal fiscal year.</li> </ul>
<i>EPA has a goal of building Sustainable Materials Management (SMM) capacity in all Region 8 states.</i>	<i>EPA will provide SMM assistance to Colorado, as requested priorities arise.</i>	<i>Reduction of Waste disposed.</i>
<i>EPA will continue to support the environmental Compliance Assistance Center (ECAC) for all auto service businesses that request compliance assistance information. The center is based in Colorado and is available to all states.</i>		

## 6.8.2 State Indoor Radon Grant

**Mission:** The State Indoor Radon Grant is used to develop effective, efficient activities that increase the awareness of radon health risks in Colorado. Emphasis is placed on raising awareness of radon issues, increasing testing rates and encouraging mitigation in response to elevated radon levels. Homeowners, local governments, realtors and builders will continue to be target groups for information about radon testing and radon-resistant new construction. Distribution of funding to local health departments, cooperative extension offices and other entities at the local level will ensure coverage throughout Colorado. Annual surveys will be conducted on measurement results, mitigation providers, builders and schools as requested by the EPA Radon Reinvigoration Strategy.

<b>State Indoor Radon Grant Goals</b>			
EPA 2010 – 2015 Strategic Plan Goal 1 Taking Action on Climate Change and Ensuring Air Quality, Objective 1.4 Reduce Unnecessary Exposure to Radiation			
RA 1: Long-term goal Increase radon awareness. Assure that Colorado homes continue to be tested for radon, with intervention to reduce radon risk if a test result calls for action.			
<b>Short-term goal</b>	<b>Objectives</b>	<b>Performance measures</b>	<b>Milestones</b>
RA 1.1 Increase awareness, testing and mitigation of homes with elevated radon levels. Work	Contract through the grant for products and services that improve radon awareness, testing, and mitigation in Colorado.	Number and/or percent of homes that have been mitigated for elevated radon levels.	Number of homes that have been mitigated for radon.

State Indoor Radon Grant Goals			
toward adoption of more radon-resistant building codes.	Provide current information to homeowners, real estate agents, buyers, sellers, and builders about radon testing and mitigation.	Percentage of homes tested for radon.	Number of homes that have been tested for radon.
RA 1.2 Strengthen radon public health activities in Colorado's zone 1 (high radon potential) counties.	Work with volunteer municipalities and counties to adopt construction standards to reduce radon in residential, school, and public buildings.	Number of homes in each county that have been built using radon-resistant features.	Number of homes and schools built radon resistant and number of local governments adopting radon resistant new construction building codes
	<i>EPA: EPA will offer assistance in public outreach efforts, help coordinate activities of the state and the Western Regional Radon Training Center, provide support for the contracts with counties and partners that have been established and offer manpower at events.</i>		
	<i>EPA: EPA will also forward relevant information from HQ or other entities to the state. Guidance will be provided as needed on the information.</i>		
	<i>EPA: EPA will also provide support to the state in the creation of radon-related policy statements or programs such as the radon proficiency program.</i>		
	<i>EPA: EPA will review annual reports submitted by the state and offer a response that assures that the work plan agreed to is being followed and goals are being met.</i>		

## 7.1 Introduction

The purpose of this chapter is to describe the FY 2014 allocation of available EPA resources under the CEPPA. This chapter refers only to the fiscal resources and allocations while chapters 3 through 6 describe environmental goals, objectives, environmental indicators and program performance measures. Table 7.1A and 7.1B provides a list of elements consolidated into the single Performance Partnership Grant (PPG).

The grant policy guidelines allow the allocation of EPA grant dollars within or across media and programs. It provides the state with more flexibility to invest some of the federal grant dollars in innovative capacity building initiatives such as sustainability, climate change, oil and gas, compliance assistance and assurance, customer service, data integration and school chemicals. The grant will also enable the state to target more federal resources to its most serious environmental problems.

## 7.2 Background

The National Environmental Performance Partnership System (NEPPS) allows states to propose goals and objectives based on state environmental problems and priorities. In April 1996, the U.S. Congress authorized Performance Partnership Grants (PPG). The PPG increases state flexibility in reallocation of federal environmental grants. The NEPPS allows states to receive a consolidated environmental management grant in lieu of several categorical program grants. The CDPHE was one of the first states awarded a consolidated environmental grant. Total availability of federal funds and Colorado's cost share are the same under the consolidated grant, as they would have been using categorical grants.

The EPA Guidance includes the following elements relevant to this CEPPA:

- Description of environmental goals
- Description of quantifiable environmental objectives
- Program plan of action
- Environmental results expected
- Program performance measures
- List of activities showing schedule of accomplishments
- Set of core program commitments

## 7.3 Revenue Sources and Resource Allocations

Resources for the environmental programs within the CDPHE come from multiple sources. These include, state general funds, cash funds from permit, license, emission fees, and various federal grants from other agencies. The CEPPA represents the total shown in Table 7.2.

The CDPHE has identified several program grants for inclusion in the FY 2014 PPG, which refers to the period from October 1, 2013 through September 30, 2014. For financial and programmatic flexibility, Colorado has also requested that the FY2014 PPG be combined with the current FY 2011-2015 PPG. The budget and project period for this five-year grant is October 1, 2010 through September 30, 2015. The estimated federal dollar resources and cost share associated for all EPA grants; i.e., including indirect cost charges, are summarized in Tables 7.1A and 7.1B.

CDPHE is requesting an estimated \$9,206,950 million at the time of application from EPA for the FY 2014 PPG. The PPG guidance allows Colorado to incorporate other eligible grants, including competitive grants during the year if other federal resources become available (if this occurs, the PPG will be amended by CDPHE and EPA).

In the case of competitive grants, the state may develop and submit a proposal for approval by EPA Region 8 or EPA headquarters for the particular competitive grant program. For others, EPA and the state may renegotiate and revise the goals and program commitments in the current CEPPA as necessary. For each additional award made during the year, an appropriate amendment to the CEPPA will be developed to reflect and account for the additional funds and work to be conducted. Upon approval of additional funds, Colorado will submit a formal grant amendment to request additional funds in the PPG and EPA will amend the PPG award to include those funds.

Tables 7.1A and 7.1.B summarizes the allocation of PPG federal funds and state match within CDPHE for environmental programs.

Table 7.2 summarizes the overall allocation of non-PPG funds within the CDPHE environmental programs.

## **7.4 Financial Management and Reporting**

The PPG guidance and regulation states that PPG recipients must maintain accounting and financial records that adequately identify the source (i.e., federal funds and match) and application of funds provided for PPG activities. Colorado maintains records that contain relevant information such as obligations, non-obligated balances, outlays, expenditures and program income. Colorado PPG funds will be tracked to the total effort or cost incurred for the PPG work, not necessarily to individual categorical sources of funding.

Colorado/EPA Performance Partnership Grant - FY2014 - Yr 4 of a 5-Year Agreement FY2011-2014

Table 7.1A - CDPHE Performance Partnership Grant Funds - Federal Funds

Division	Program	FY2011	FY2012	FY2013	FY2014	FY2011-14
		EPA	EPA	EPA	Est. EPA	EPA TOTAL
APCD	CAA 105 - other	\$3,066,938	\$2,710,737	\$2,676,111	\$2,470,324	\$10,924,110
	Asbestos./TSCA	\$80,220	\$130,436	\$127,442	\$113,678	\$451,776
	Lead	\$278,466	\$287,956	\$284,294	\$275,314	\$1,126,030
HMWMD	Hx. Waste	\$1,047,945	\$1,031,532	\$1,042,565	\$963,644	\$4,085,686
	Radon	\$657,428	\$302,544	\$310,580	\$307,931	\$1,578,483
WQCD	CWA 106	\$2,210,021	\$1,887,570	\$1,985,203	\$1,855,240	\$7,938,034
	Dr. Water	\$1,394,720	\$1,383,487	\$1,399,065	\$1,317,484	\$5,494,756
	Gr. Water	\$200,000	\$200,000	\$125,000	\$125,000	\$650,000
	Non Pt. Src.	\$613,106	\$611,659	\$619,802	\$715,280	\$2,559,847
Other	EDO	\$207,188	\$174,269	\$230,331	\$232,696	\$844,484
	DEHS	\$827,923	\$1,014,832	\$858,244	\$830,359	\$3,531,358
	C.Over	\$0	\$0	\$0	\$0	\$0
TOTAL		\$10,583,955	\$9,735,022	\$9,658,637	\$9,206,950	\$39,184,564

Table 7.1B - CDPHE Performance Partnership Grant Funds - State Share

Division	Program	FY2011	FY2012	FY2013	FY2014	FY2011-14
		STATE	STATE	STATE	Est. STATE	STATE TOTAL
APCD	CAA 105 - other	\$2,800,001	\$2,800,001	\$2,800,001	\$2,800,001	\$11,200,004
	Asbestos./TSCA	\$48,666	\$47,215	\$42,480	\$42,481	\$180,842
	Lead	\$56,000	\$56,000	\$56,000	\$65,000	\$233,000
HMWMD	Hx. Waste	\$378,608	\$386,255	\$360,107	\$360,106	\$1,485,076
	Radon	\$657,428	\$310,580	\$306,500	\$317,801	\$1,592,309
WQCD	CWA 106	\$670,261	\$670,261	\$670,261	\$670,261	\$2,681,044
	Dr. Water	\$510,780	\$518,333	\$492,333	\$492,333	\$2,013,779
	Gr. Water	\$0	\$0	\$0	\$0	\$0
	Non Pt. Src.	\$459,255	\$459,255	\$459,257	\$534,589	\$1,912,356
Other	EDO	\$0	\$0	\$0	\$0	\$0
	DEHS	\$109,129	\$224,385	\$295,137	\$112,000	\$740,651
	C.Over	\$327,782	\$0	\$0	\$0	\$327,782
TOTAL		\$6,017,910	\$5,472,285	\$5,482,076	\$5,394,572	\$22,366,843



**Table 7.2 - CDPHE Funding Support for Environmental Programs (in millions \$)**

<b>Division</b>	<b>State Cash/Reappropriated Funds</b>			
	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>
APCD	\$15.20	\$15.20	\$16.60	\$17.15
HMWMD	\$11.45	\$13.13	\$14.07	\$20.60
WQCD	\$5.10	\$5.17	\$5.19	\$5.38
Other	\$3.60	\$3.60	\$3.50	\$0.50

(in millions\$)

<b>Division</b>	<b>State General Funds</b>			
	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>
APCD	\$0.00	\$0.00	\$0.00	\$0.50
HMWMD	\$0.00	\$0.00	\$0.00	\$0.00
WQCD	\$2.55	\$2.59	\$2.54	\$3.75
Other	\$0.00	\$0.00	\$0.00	\$0.00

(in millions\$)

<b>Division</b>	<b>Est. Federal Non-PPG</b>			
	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>
APCD	\$2.20	\$1.80	\$1.30	\$2.13
HMWMD	\$5.89	\$6.04	\$5.80	\$8.49
WQCD	\$12.70	\$10.00	\$9.50	\$9.10
Other	\$0.50	\$0.50	\$0.50	\$0.50

## 8.1 Background

Although a number of programs are delegated to the states, EPA remains responsible and accountable to the President, the Congress and the public for progress toward meeting national environmental goals and for ensuring that federal statutes are adequately enforced and federal funds are spent appropriately. EPA has the responsibility to oversee the conduct of delegated, inter-governmental programs to ensure that adequate protection is being provided across the country. In addition, EPA has the responsibility to conduct evaluations of state performance under assistance agreements (grants) to ensure that they are being utilized to achieve national goals, requirements, and mutually-agreed upon state and EPA priorities.

Oversight of state and tribal environmental program performance is a core function of the Environmental Protection Agency. Program oversight is the process by which Region 8 carries out its responsibilities for periodically assessing, ensuring and documenting that federally authorized programs are conducted by states and tribes adequately and in conformance with authorization agreements. Program oversight also encompasses continuing programs for which EPA funding is provided. Grant oversight focuses on deliverables, or action item commitments, and performance measures in grant work plans, and includes a fiduciary responsibility to ensure that grant funds are accounted for and used appropriately by recipients. EPA Region 8 has documented the oversight procedures it uses for most programs in the Regional Compendium of Standard Operating Procedures for Oversight (the Oversight Manual).

Oversight activities planned for FY 2014 are based on program performance as determined through the OECA/ECOS State Review Framework (SRF) and, for PWSS, Uniform Enforcement Oversight System (UEOS) evaluations as well as the FY 2012 end-of-year report. During 2011, an SRF review of the State RCRA, NPDES and Air enforcement program performance for FY 2010 occurred and a final report was issued in 2012. Details regarding the oversight process for state enforcement programs can be found in the “Regional Plan for Region 8’s Implementation of the SRF, UEOS and Other Oversight Activities for the CWA NPDES, CAA Stationary Sources, RCRA Subtitle C and PWSS Enforcement Programs through FY 2013 (which was included with the FY 2013 Performance Partnership Agreement Guidance to the States).

A draft State Oversight Plan for FY 2013 will be prepared by EPA and will be forwarded to CDPHE no later than July, 2012. CDPHE will have a reasonable time to review this draft State Oversight Plan and discuss it with, and provide comments to, EPA. EPA commits to work with CDPHE to develop a State Oversight Plan for FY 2013 that addresses CDPHE feedback, as appropriate. EPA will strive to avoid adjusting oversight conditions based on annual audits unless a significant issue is identified. The target date for finalization of the State Oversight Plan for FY2013 is September 2012.

National data that will be used to support the SRF reviews are available to the regions and states through the Online Tracking Information System (OTIS) management reports and states are encouraged to periodically look at the data, ensure its accuracy and use it in managing their programs. The OTIS management reports and other information regarding the SRF are available at: <http://www.epa.gov/idea/otis/stateframework.html>.

In the Colorado Performance Partnership Agreement, program outcomes are measured by environmental indicators or markers of pollution in the environment. Indicators are such measurements as ambient air quality levels. Ultimately, indicators of such features as changes in exposure burden and/or changes in ecological conditions could be used. The major types of indicators being used in the current CEPPA include the following examples:

### DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY

- Trends in environmental impacts in environmental justice areas.
- Reduction in pollution, waste, and resource use internally within CDPHE.
- Reduction in pollution through prevention activities.

### AIR QUALITY

- Trends in air quality for each of the six criteria pollutants around the state.
- Trends in number of “good” days state wide based on the Air Quality Index
- Trends in urban or rural visibility monitoring where data is available
- Trends in statewide emissions of Ozone precursors

- Statewide trends in emission of criteria pollutants
- Statewide trends in emissions of air toxics including Mercury

#### WATER QUALITY

- Percentage of stream miles meeting standards for designated uses.
- Percent of lake acres meeting applicable standards and supporting designated uses.
- Number of public water systems and populations served experiencing various types of MCL violations.

#### HAZARDOUS WASTE

- Hazardous waste compliance rates.
- Return to compliance after enforcement.
- Human health exposures under control at high priority hazardous waste cleanup sites
- Ground water releases under control at high priority hazardous waste cleanup sites

## 8.2 Federal Oversight Under the National Environmental Performance Partnership System

Under the National Environmental Performance Partnership System (NEPPS), greater emphasis is being placed on performance-based evaluations, differential oversight and greater participation by the state in evaluating performance and determining solutions. In doing so, the focus of oversight is on identifying and solving problems and taking action, and to deliver more effective and efficient environmental protection. Such an approach necessitates a continuing strong EPA presence, a workable state-EPA relationship, and continuous dialogue and communication between EPA and the state.

#### Performance-based Evaluations

EPA is placing greater emphasis on state performance in achieving overall program results and accomplishments and less on the completion of individual products or activities. In doing so, EPA and the state have developed clear goals, objectives and performance measures to clarify requirements and expectations and the criteria for success. This framework is found in the individual program work plans in Chapters 3 through 6. The performance measures include both outputs to be completed (activities and products) and outcomes to be achieved (results). In determining overall performance, both the measurement of outputs and outcomes is necessary in determining the level of success in accomplishing the goals and objectives. Efforts are increasing to balance the use of output and outcome measures and to focus evaluations on the effectiveness and results of the work accomplished.

#### Differential Oversight

At the national level, EPA is working with the states to implement a system of differential oversight in which the level of EPA oversight of state work activity corresponds to the level of the state's performance as determined during the most recent SRF evaluation process. For example, in instances of effective state performance, EPA's oversight level lessens in frequency and detail. There is greater focus on reviewing outcomes and results than the accomplishment of individual activities. In instances of less than satisfactory performance, EPA's oversight level increases and more detailed reviews of the accomplishment of activities and specific requirements may need to be conducted in order to determine and correct the cause of the problem. The differential approach to oversight is intended to provide an incentive to state programs to increase performance so that both federal and state resources can be used to address critical problems. Differential oversight should not be construed to mean that the state's and EPA's commitment to protect public health and the environment is being reduced. Maintaining a protective environmental program is a base level requirement under state and federal laws. If the findings of the SRF indicate a need for differential oversight, then EPA will make a recommended corrective action in the SRF report, and the corrective actions required will be included in the individual program work plans included in Chapters 3 through 6 of the CEPPA.

#### State Involvement

A system of partnership also stipulates greater state involvement in the evaluation process. The state is increasingly becoming involved in its overall program evaluation by identifying problems and solutions and working with EPA in determining its level of performance and the appropriate level of EPA oversight.

## 8.3 Types of Oversight

Oversight is broadly defined as the combination of activities conducted by EPA to ensure that state programs adequately meet delegation requirements and fiscal responsibilities. EPA oversight consists of a variety of approaches.

### Base Program-wide Reviews

The base oversight activity will be an annual program-wide review conducted jointly by CDPHE and EPA. The major component of this review is a formal assessment of the state's performance in meeting commitments contained within the CEPPA. However, as part of EPA's oversight responsibilities, additional information on the implementation of delegation requirements may also be gathered to determine overall performance. In doing so, the state will be evaluated against requirements in delegation and other agreements, and the Core Performance Measures agreed to by EPA and the Environmental Council of the States (ECOS).

The intent of this review is to assess the overall performance of programs and systems. More in-depth reviews of specific activities may be conducted to examine potential or ongoing problem areas identified in the most recent SRF evaluation. Section 8.4 describes the principles of the annual review in more detail.

### After-the-fact Reviews

After-the-fact reviews including, for example, reviewing completed permits, inspection reports, and enforcement actions, will occur periodically as part of EPA's oversight role. These reviews occur throughout the year to track progress on an issue identified in the previous SRF, and to ensure that delegation requirements are being met and federal statutes and regulations are being enforced. After-the-fact reviews will be the focus of EPA's ongoing oversight rather than case-by-case intervention. The number of after-the-fact reviews will be limited and will be at a level commensurate with state performance and necessary to follow-up with any issues identified in the previous SRF.

### Real-time Review

These are reviews of state work products that are under development, for example, draft permits or closure plans. These reviews are only used on a selective basis to address programs with less than adequate performance or in cases where the state may request assistance or if required by national program guidance. The SRF establishes the baseline upon which off-year oversight activities of compliance and enforcement activities are developed cooperatively between the Region and the State.

## 8.4 Evaluation Plan: Annual Base Program-wide Review

An annual, formal evaluation of state performance is required for recipients receiving federal assistance. Although the primary purpose of the evaluation is to identify progress in accomplishing the commitments in the CEPPA, the evaluation is also essential in planning, priority-setting and continuous improvement efforts. Evaluation of delegation requirements not found in the CEPPA may also occur as part of the program-wide review. This CEPPA contains a binding set of commitments in the form of program goals and priorities and performance measures. These are found in Chapters 3 through 6. Information found in other chapters, such as priorities, roles and funding allocations, will also be used as supporting documentation in the program-wide evaluation.

### 8.4.1 Principles

The guiding principles to be followed by CDPHE and EPA in performance evaluations:

- EPA and the state will use the CEPPA as a management tool to continuously track the progress of work accomplished.
- The work plans contained within the CEPPA together act as the vehicle for expressing performance expectations under the CEPPA, forming the fundamental basis for awarding funds and annually evaluating state performance.
- The performance measures contained within the work plan matrices are the criteria, which will be used to report on and evaluate the progress of achieving the goals and objectives in the CEPPA.
- The state will implement and follow all delegation requirements, whether stated in the CEPPA or not, to ensure adequate protection of public health and the environment. Review of delegation requirements will be part of the annual evaluation.
- As much as feasible, the state and EPA should engage in joint analysis of identified problems to determine their nature, cause and the appropriate solutions.
- Throughout the project period, the state and/or EPA will immediately communicate to each other any problems or issues identified and will work together to solve them or refer them to top management.

- CDPHE and/or EPA will immediately communicate any necessary changes to the CEPPA. These changes may result from a change in priorities, incorrect assessment of work to be accomplished or changes in available funding. The change must be sent to the EPA state program manager and approved by the appropriate EPA program. Any change that would require additional state resources, but where additional federal funding is not provided, must be approved by CDPHE.

## **8.4.2 Evaluation Process**

CDPHE and EPA regional office will undertake a joint evaluation of commitments and accomplishments from the CEPPA at the end of the fiscal year. By December 31, CDPHE will produce the End-of-Year Assessment report as required by the PPG. This report will be based on CDPHE staff assessments.

CDPHE and EPA program and enforcement managers will conduct face-to-face meetings to review the End-of-Year Assessment findings. They will report results (both positive and negative) to their respective Senior Managers.

During mid- to late January, there will be joint meetings of CDPHE and EPA Program Directors with the appropriate Senior Managers of the two agencies, as necessary, to discuss results. If there are any outstanding issues, Senior Managers will resolve them by the end of January or early February.

## **8.4.3 Evaluation follow-up**

During the first quarter of the calendar year, the final End-of-Year Assessment report along with other reports including the SRF for RCRA Subtitle C, CAA Stationary Sources and CWA NPDES programs and the UEOS for PWSS Program will be distributed to all EPA and state managers to be used to prioritize future work efforts and track the resolution of issues identified in the SRF (UEOS for PWSS) or un-met CEPPA commitments. Changes to the CEPPA may be necessary to address new issues or priorities. Serious, ongoing performance problems may necessitate grant conditions, sanctions or other actions by EPA.

March – April - Programs conduct individual midyear reviews to check-in on progress, review and set priorities and plan for future work.

May – June – At a minimum, a program-level face-to-face meeting is held to discuss significant program issues, set joint priorities and develop plans and strategies to accomplish program objectives in the coming PPA period.